

MEETING
STATE OF CALIFORNIA
LANDS COMMISSION

WYNDHAM SAN DIEGO BAYSIDE
1355 NORTH HARBOR DRIVE
SAN DIEGO, CALIFORNIA

MONDAY, DECEMBER 3, 2018
1:02 P.M.

JAMES F. PETERS, CSR
CERTIFIED SHORTHAND REPORTER
LICENSE NUMBER 10063

A P P E A R A N C E S

COMMISSION MEMBERS:

Ms. Betty T. Yee, State Controller, Chairperson

Mr. Gavin Newsom, Lieutenant Governor, represented by Ms. Sloane Viola

Ms. Keely Bosler, Director of Department of Finance, represented by Ms. Jacqueline Wong-Hernandez

STAFF:

Ms. Jennifer Lucchesi, Executive Officer

Mr. Colin Connor, Assistant Executive Officer

Mr. Mark Meier, Chief Counsel

Ms. Nicole Dobroski, Assistant Chief, Marine Environmental Protection Division

Ms. Maren Farnum, Environmental Scientist, Executive Office

Ms. Jennifer Mattox, Science Policy Advisor and Tribal Liaison

Ms. Sheri Pemberton, Chief, External Affairs and Legislative Liaison

Mr. Jonathan Thompson, Senior Environmental Scientist, Marine Invasive Species Program, Marine Environmental Protection Division

ATTORNEY GENERAL:

Mr. Andrew Vogel, Deputy Attorney General

A P P E A R A N C E S C O N T I N U E D

ALSO PRESENT:

Ms. Paloma Aguirre, WILD COAST

Ms. Mina Babiarz, Public Watchdogs

Mr. Rafael Castellanos, Port of San Diego

Mr. Mark Chytilo, Raemar Crest, LLC, Gaviota Coast
Conservancy

Mr. Mike Conroy, Commercial and Recreational Fishing

Ms. Sienna Courter, San Francisco Baykeeper

Mr. Serge Dedina, Mayor, City of Imperial Beach

Mr. Bahram Fazeli, Communities for a Better Environment

Mr. Jason Giffen, Port of San Diego

Mr. Peter Halmay, San Diego Fishermen's Working Group

Ms. Pam Heatherington, Environmental Center of San Diego

Mr. Morgan Jones, Santa Barbara County

Mr. Wayne Kotow, Coastal Conservation Association of
California

Mr. Charles Langley, Public Watchdogs

Mr. John Law, San Diego Fishermen's Working Group

Ms. Lesley Nishihira, Port of San Diego

Mr. Matt O'Malley, San Diego Coastkeeper

Ms. Erica Pinto, Jamul Indian Village

Dr. David Revell, Revell Coastal, LLC

Ms. Mari Rose Taruc, Environmental Justice Working Group

Ms. Mandy Sackett, Surfrider Foundation

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I 1:00 P.M. - OPEN SESSION	1
II CONFIRMATION OF MINUTES FOR THE MEETING OF OCTOBER 18, 2018	6
III EXECUTIVE OFFICER'S REPORT	6

Continuation of Rent Actions to be taken by the
Executive Officer pursuant to the Commission's
Delegation of Authority:

- Delta Diamond Ventures, LLC (Lessee):
Continuation of annual rent at \$199 per year for
a General Lease - Recreational Use located on
sovereign land in Sacramento River, adjacent to
15175 state Highway 160, near Isleton, Sacramento
County. (PRC 8488.1)
- Norbert J. Dickman and Benjamin L. Blake,
Trustees of the Roger Dickson Trust and of the
Scott Dickson Trust; and Norbert Dickman, as
Trustee of the Barbara Fasken 1995 Trust for the
benefit of Roger Dickson and Scott Dickson
(Lessee): Continuation of annual rent at \$754 per
year for a General Lease - Recreational Use
located on sovereign land in Lake Tahoe, adjacent
to 2247 Cascade Road, near South Lake Tahoe, El
Dorado County. (PRC 8511.1)
- William R. Green and Michelle A. Green, as
Trustees of the William and Michelle Green 1999
Revocable Trust (Lessee): Continuation of annual
rent at \$2,223 per year for a General Lease -
Recreational Use located on sovereign land in
Lake Tahoe, adjacent to 8801 One Ring Road, near
South Lake Tahoe, El Dorado County. (PRC 8251.1)
- Walter R. and Linda H. Hurlbut, Trustees of the
Hurlbut Family Revocable Trust U/V/D June 21,
2006 (Lessee): Continuation of annual rent at
\$288 per year for a General Lease - Recreational
and Protective Structure Use located on sovereign
land in Sacramento River, adjacent to 7095 Garden
Highway, near Sacramento, Sacramento County. (PRC
7795.1)

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- Todd Y. King and Shareen M. King, Trustees of the Todd and Shareen King Living Trust, dated July 30, 2009 (Lessee): Continuation of rent at \$236 per annum, for a General Lease - Recreational and Protective Structure Use, of sovereign land in the Colorado River, adjacent to 1166 Beach Drive, Needles, San Bernardino County. (PRC 9121.1)

- Martis Camp Club (Lessee): Continuation of annual rent at \$754 per year for a General Lease - Recreational Use located on sovereign land in Lake Tahoe, adjacent to 6920 North Lake Boulevard, near Tahoe Vista, Placer County. (PRC 7862.1)

- Serene Properties, LLC (Lessee): Continuation of annual rent at \$754 per year for a General Lease - Recreational Use located on sovereign land in Lake Tahoe, adjacent to 2200 North Lake Boulevard, near Tahoe City, Placer County. (PRC 8510.1)

- J.W. Silveira, Trustee of the J.W. Silveira and Barbara O. Silveira Family Trust; and, SFTA, LLC, a California Limited Liability Company and SACROS, LLC, a California Limited Liability Company (Lessee): Continuation of annual rent at \$2,308 per year for a General Lease - Recreational Use located on sovereign land in Lake Tahoe, adjacent to 2197 and 2201 Cascade Road, near South Lake Tahoe, El Dorado County. (PRC 4282.1)

- Tiki Lagun Partners, LLC (Lessee): Continuation of annual rent at \$19,098 per year with an annual CPI adjustment, for a General Lease - Commercial Use located on sovereign land in the Whiskey Slough, adjacent to 12988 West McDonald Road, near Stockton, San Joaquin County. (PRC 4082.1)

- Brian Ward and Teresinha S. Ward, as Co-Trustees of the Brian Ward and Teresinha Ward Living Trust dated May 6, 1993 (Lessee): Continuation of annual rent at \$754 per year for a General Lease - Recreational Use located on sovereign land in Lake Tahoe, adjacent to 3856 North Lake

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Boulevard, near Carnelian Bay, Placer County.
(PRC 8508.1)

IV CONSENT CALENDAR C01-C73 16

THE FOLLOWING ITEMS ARE CONSIDERED TO BE
NONCONTROVERSIAL AND ARE SUBJECT TO CHANGE AT
ANY TIME UP TO THE DATE OF THE MEETING.

LAND MANAGEMENT DIVISION
NORTHERN REGION

- C 01 400 CONVENTION WAY, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY (ASSIGNOR); STACY ARGO AND CYNTHIA ARGO (ASSIGNEE): Consider assignment of Lease No. PRC 8586.1, a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 4886 North Lake Boulevard, near Carnelian Bay, Placer County; for two existing mooring buoys. CEQA Consideration: not a project. (PRC 8586.1; RA# 01418) (A 1; S 1) (Staff: J. Toy)
- C 02 9898 LAKE, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY (LESSEE); SF PACIFIC, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY (APPLICANT): Consider waiver of rent, penalty, and interest; termination of Lease No. PRC 4856.1, a General Lease - Recreational Use; and application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 9898 Lake Street, near Kings Beach, Placer County; for an existing pier previously authorized by the Commission, and an existing floating boat dock not previously authorized by the Commission. CEQA Consideration: categorical exemption. (PRC 4856.1; RA# 23117) (A 1; S 1) (Staff: S. Avila)
- C 03 C.E. ANDERSON, SOLE TRUSTEE OF THE ANDERSON FAMILY TRUST, DATED APRIL 27, 1993 (APPLICANT): Consider an application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 7840 North Lake Boulevard, near Tahoe Vista, Placer County; for two existing mooring buoys not previously authorized by the Commission. CEQA Consideration: categorical exemption. (W 27202; RA# 00318) (A 1; S 1) (Staff: M.J. Columbus)

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- C 04 AT&T CORPORATION (LESSEE): Consider amendment of Lease No. PRC 8203.1, General Lease - Right-of-Way Use, of sovereign land located in the Pacific Ocean, near Manchester State Beach, Mendocino County; to modify the burial depth inspection survey interval for conduits and fiber-optic cables. CEQA Consideration: not a project. (PRC 8203.1; RA# 19885) (A 2; S 2) (Staff: M. Schroeder)
- C 05 L.C. BOWMAN, TRUSTEE OF THE L.C. BOWMAN TRUST INITIALLY CREATED ON APRIL 15, 2009 (LESSEE); BETSY L. STONE, AS TRUSTEE OF THE HARRIS FAMILY TRUST UDT DATED JANUARY 26, 2018 (APPLICANT): Consider waiver of rent, penalty, and interest; termination of Lease No. PRC 7420.1, a General Lease - Recreational Use; and application for a General Lease -Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 247 Drum Road, near Meeks Bay, El Dorado County; for two existing mooring buoys. CEQA Consideration: categorical exemption. (PRC 7420.1; RA#32117) (A 5; S 1) (Staff: S. Avila)
- C 06 CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE-WILDLIFE CONSERVATION BOARD AND COUNTY OF YOLO (LESSEE): Consider amendment of Lease No. PRC 5791.9, a General Lease - Public Agency Use, of sovereign land located in Sycamore Slough, near Knights Landing, Yolo County; to extend the construction completion date for the reconstruction of the Knights Landing Boat Launch Facility and allow the installation of an automated pay station and security cameras. CEQA Consideration: Mitigated Negative Declaration, adopted by the County of Yolo, State Clearinghouse No. 2017092057, and adoption of a Mitigation Monitoring Program. (PRC 5791.9; RA# 07517) (A 4; S 3) (Staff: M.J. Columbus)
- C 07 CITY OF WEST SACRAMENTO (LESSEE): Consider amendment of Lease No. PRC 6002.9, a General Lease - Public Agency Use, of sovereign land located in the Sacramento River, 651 Waterfront Place, West Sacramento, Yolo County; for construction of docks and appurtenant facilities. CEQA Consideration: Mitigated Negative Declaration, adopted by the City of West Sacramento, State Clearinghouse No. 2014022054, and adoption of a Mitigation Monitoring Program.

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(PRC 6002.9; RA# 21317) (A 7; S 6) (Staff: M.J. Columbus)

- C 08 JAMES DOBBAS AS TRUSTEE UNDER DECLARATION OF TRUST DATED DECEMBER 22, 1976 (LESSEE): Consider amendment of lease and revision of rent to Lease No. PRC 4494.1, a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 8297 Meeks Bay Avenue, near Meeks Bay, El Dorado County; for an existing pier and one mooring buoy. CEQA Consideration: not projects. (PRC 4494.1) (A 5; S 1) (Staff: S. Evans)
- C 09 HELIO A. FIALHO AND THERESE S. FIALHO, TRUSTEES OF THE FIALHO FAMILY TRUST; AND BRIAN J. METTLER (LESSEE); HELIO A. FIALHO AND THERESE S. FIALHO, TRUSTEES OF THE FIALHO FAMILY TRUST DATED JULY 3, 2002; AND BRIAN J. METTLER (APPLICANT): Consider application for General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 1600 and 1620 North Lake Boulevard, near Tahoe City, Placer County; for the modification of an existing joint-use pier, installation of two boat lifts, removal of one existing mooring buoy, and use and maintenance of three existing mooring buoys. CEQA Consideration: categorical exemption. (PRC 5561.1, RA# 20917) (A 1; S 1) (Staff: M. J. Columbus)
- C 10 KEN FIELD AND MARGARET FIELD TRUSTEES OF THE KEN FIELD AND MARGARET FIELD REVOCABLE TRUST DATED FEBRUARY 22, 2012; ROBERT W. FIELD, JR.; AND JAMES L. FIELD (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 3900 North Lake Boulevard, near Carnelian Bay, Placer County; for an existing pier, covered cabana, boat lift, and two mooring buoys. CEQA Consideration: categorical exemption. (PRC 2284.1; RA# 03318) (A 1; S 1) (Staff: J. Toy)
- C 11 RONALD S. FILES AND JENNIFER A. FILES, TRUSTEES OF THE FILES FAMILY LIVING TRUST DATED JANUARY 13, 1992; DOUGLAS J. VALENTINE AND KIRSTEN A. VALENTINE AS TRUSTEES OF THE VALENTINE FAMILY TRUST DATED NOVEMBER 1, 2006; WILLIAM D. SCHMICKER AND NATHALIE E. SCHMICKER, TRUSTEES OF THE SCHMICKER REVOCABLE TRUST

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U/T/A DATED OCTOBER 17, 1994; DONN A. MOLL AND GAIL L. MOLL, TRUSTEES OF THE MOLL LIVING TRUST DATED 5/7/1998; GARY N. COBURN AND CAROL S. COBURN, TRUSTEE OF THE COBURN FAMILY TRUST DATED AUGUST 25, 2005; RONALD S. FILES AND JENNIFER A. FILES, TRUSTEES OF THE FILES LIVING TRUST, DATED JANUARY 13, 1992 AS RESTATED MARCH 10, 2009; AND WILLIAM D. SCHMICKER AND NATHALIE E. SCHMICKER, TRUSTEES OF THE SCHMICKER REVOCABLE TRUST U/R/T/A DATED MAY 16, 2008 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 890 West Lake Boulevard, Tahoe City, Placer County; for an existing pier, boat lift, 10 remnant pier pilings, and two mooring buoys. CEQA Consideration: categorical exemption. (PRC 4184.1; RA# 25015) (A 1; S 1) (Staff: M. Schroeder)

C 12 SEAN J. KEENE AND AMMANDA E. KEENE, TRUSTEES OF THE SEAN AND AMMANDA KEENE 2004 TRUST DATED AUGUST 19, 2008, AS AMENDED (APPLICANT): Consider acceptance of a lease quitclaim deed for Lease No. PRC 4855.1, a General Lease - Recreational Use, and application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 5820 North Lake Boulevard, near Agate Bay, Placer County; for an existing pier and two mooring buoys; and reconstruction of a portion of the pier. CEQA Consideration: categorical exemptions. (PRC 4855.1; RA# R30317) (A 1; S 1) (Staff: J. Toy)

C 13 BRUCE CLARKE KENNEDY AS TRUSTEE OF THE BRUCE CLARKE KENNEDY LIVING TRUST, U/T/A APRIL 12, 2017 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 4470 North Lake Boulevard, near Carnelian Bay, Placer County; for an existing pier and boat hoist. CEQA Consideration: categorical exemption. (PRC 4247.1; RA# 27717) (A 1; S 1) (Staff: S. Avila)

C 14 MARILYN JANE KENNEDY, AS TRUSTEE OF THE MJK TRUST, DATED FEBRUARY 17, 2006; AND KYLE P. KENNEDY (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 5058 West Lake Boulevard, near Homewood, Placer County; for an existing pier and one mooring buoy. CEQA Consideration: categorical

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exemption. (PRC 3661.1; RA# 18417) (A 1; S 1) (Staff: J. Toy)

- C 15 VICTORIA F. LEONARD AND TAHOE BOATHOUSE, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 1370 and 1380 West Lake Boulevard, near Sunnyside, Placer County; for an existing joint-use pier with three boat slips and one mooring buoy. CEQA Consideration: categorical exemption. (PRC 6715.1; RA# 32217) (A 1; S 1) (Staff: J. Toy)
- C 16 LLOYD A. LUNDSTROM, III; NANCY GILL; MARGY LUNDSTROM; GERALDINE M. LUNDSTROM, TRUSTEE OF THE GERALDINE M. LUNDSTROM SURVIVOR'S TRUST UDT DATED DECEMBER 21, 1991 AS AMENDED AND SUCCESSOR TRUSTEES THEREUNDER; GERALDINE M. LUNDSTROM, TRUSTEE OF THE LLOYD A. LUNDSTROM, JR. BYPASS TRUST UDT DATED DECEMBER 21, 1991 AS AMENDED AND SUCCESSOR TRUSTEES THEREUNDER (LESSEE); THEODORE SCHUMAN AND JOCELYN SCHUMAN (APPLICANT): Consider waiver of rent, penalty, and interest; termination of Lease No. PRC 4226.1, a General Lease - Recreational Use; and an application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 4920 North Lake Boulevard, near Carnelian Bay, Placer County; for an existing pier, boathouse, sundeck with stairs, and two mooring buoys previously authorized by the Commission; removal of an existing boat hoist and installation of a boat lift; reconstruction of an existing catwalk; and replacement of joists and decking of the sundeck with stairs. CEQA Consideration: categorical exemptions. (PRC 4226.1; RA# 28717) (A 1; S 1) (Staff: S. Avila)
- C 17 MCKINNEY SHORES PROPERTY OWNERS ASSOCIATION (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to Assessor's Parcel Numbers 097-191-001, 098-021-001, and 098-041-006, near Homewood, Placer County; for two existing piers, 66 mooring buoys, and one swim float. CEQA Consideration: categorical exemption. (PRC 4053.1; RA# 32717) (A 1; S 1) (Staff: S. Avila)

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- C 18 JAMES R. MEIER AND PENELOPE A. MEIER, TRUSTEES OF THE MEIER 2012 IRREVOCABLE TRUST AGREEMENT DATED NOVEMBER 9, 2012 (APPLICANT): Consider application for General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 6690 West Lake Boulevard, near Tahoma, Placer County; for an existing pier, boathouse, and one mooring buoy previously authorized by the Commission and one existing mooring buoy not previously authorized by the Commission. CEQA Consideration: categorical exemption. (PRC 3660.1; RA# 02518) (A 1; S 1) (Staff: S. Avila)
- C 19 PATRICIA L. PEARSON, TRUSTEE OF TRUST A ESTABLISHED UNDER THE PAUL A. AND PATRICIA L. PEARSON FAMILY TRUST DATED NOVEMBER 25, 1985, AS AMENDED (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 4210 and 4220 North Lake Boulevard, near Carnelian Bay, Placer County; for an existing pier and boathouse with boat lift previously authorized by the Commission and two existing mooring buoys not previously authorized by the Commission. CEQA Consideration: categorical exemption. (PRC 5632.1; RA# 04517) (A 1; S 1) (Staff: S. Avila)
- C 20 LELAND F. PORTEOUS AND MARY L. PORTEOUS, TRUSTEES OF THE LELAND AND MARY PORTEOUS TRUST DATED AUGUST 18, 1997; AND LAWRENCE E. PORTEOUS AND LINDA G. PORTEOUS (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 6130 West Lake Boulevard, near Homewood, Placer County; for an existing pier and two mooring buoys. CEQA Consideration: categorical exemption. (PRC 2893.1; RA# 03918) (A 1; S 1) (Staff: J. Toy)
- C 21 RIDGEWOOD PIER OWNERS ASSOCIATION (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 4520 North Lake Boulevard, near Carnelian Bay, Placer County; for an existing pier, 15 mooring buoys, and one swim float. CEQA Consideration: categorical exemption. (PRC 4967.1; RA# 22817) (A 1; S 1) (Staff: S. Avila)

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- C 22 BRANDON M. ROSS AND KATHERINE V. ROSS
 (APPLICANT): Consider application for a General Lease
 - Recreational and Protective Structure Use, of
 sovereign land located in the Sacramento River,
 adjacent to 10135 Garden Highway, near Sacramento,
 Sutter County; for an existing boat dock, appurtenant
 facilities, and bank protection. CEQA Consideration:
 categorical exemption. (PRC 6989.1; RA# 30117) (A 4; S
 3) (Staff: S. Avila)
- C 23 SACRAMENTO YACHT CLUB (LESSEE); FIRST NORTHERN
 BANK OF DIXON (SECURED-PARTY LENDER): Consider
 application for the Agreement and Consent to
 Encumbrancing of Lease No. PRC 5512.1, a General Lease
 - Commercial Use, of sovereign land located in the
 Sacramento River, adjacent to 3365 South River Road,
 near West Sacramento, Yolo County; for an existing
 private yacht club, known as the Sacramento Yacht
 Club. CEQA Consideration: not a project. (PRC 5512.1;
 RA# 06118) (A 7; S 6) (Staff: M. Schroeder)
- C 24 SIENNA PARTNERS, LLC; LEE J. SCHWEICHLER, TRUSTEE
 OF THE ANN W. SCHWEICHLER QUALIFIED PERSONAL RESIDENCE
 TRUST, DATED SEPTEMBER 10, 2009; AND ANN W.
 SCHWEICHLER, TRUSTEE OF THE LEE J. SCHWEICHLER
 QUALIFIED PERSONAL RESIDENCE TRUST, DATED SEPTEMBER
 10, 2009 (APPLICANT): Consider amendment of Lease No.
 PRC 6819.1, a General Lease - Recreational Use, of
 sovereign land located in Lake Tahoe, adjacent to 8375
 and 8381 Meeks Bay Avenue, near Meeks Bay, El Dorado
 County; for four existing mooring buoys and a sundeck
 with safety railings; and reconstruction of an
 existing pier and appurtenant facilities. CEQA
 Consideration: categorical exemptions. (PRC 6819.1;
 RA# 07518) (A 5; S 1) (Staff: M.J. Columbus)
- C 25 TAHOE BOATHOUSE, LLC, A CALIFORNIA LIMITED
 LIABILITY COMPANY (APPLICANT): Consider application
 for a General Lease - Recreational Use, of sovereign
 land located in Lake Tahoe, adjacent to 1380 West Lake
 Boulevard, near Sunnyside, Placer County; for an
 existing pier and two mooring buoys. CEQA
 Consideration: categorical exemption. (PRC 6716.1; RA#
 31617) (A 1; S 1) (Staff: J. Toy)

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C 26 TOLOWA DEE-NI' NATION (APPLICANT): Consider waiver of rent, penalty, and interest; and application for a General Lease - Recreational Use, of sovereign land located in the Smith River, adjacent to 200 Salmon Harbor Road, near Smith River, Del Norte County; for existing boat ramp, rock jetty with fish cleaning station, and six concrete pilings. CEQA Consideration: categorical exemption. (PRC 1584.1; RA# 07618) (A 2; S 2) (Staff: M. Schroeder)

C 27 SONJA L. VUKASIN, TRUSTEE OF THE GENERATION-SKIPPING BYPASS TRUST UA VUKASIN FAMILY LIVING TRUST DATED OCTOBER 10, 1994 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 980 West Lake Boulevard, near Tahoe City, Placer County; for an existing pier, boathouse, sundeck with stairs, two boat hoists, and two mooring buoys. CEQA Consideration: categorical exemption. (PRC 7773.1; RA# 31717) (A 1; S 1) (Staff: S. Avila)

BAY/DELTA REGION

C 28 RUTH BEGO, TRUSTEE OF DECLARATION OF TRUST OF RUTH BEGO DATED JULY 19, 1985 (ASSIGNOR); CARSON B. COX, TRUSTEE OF THE REVOCABLE TRUST AGREEMENT OF CARSON B. COX DATED NOVEMBER 13, 1999 (ASSIGNEE): Consider assignment of Lease No. PRC 9270.1, a General Lease - Recreational Use, of sovereign land located in Corte Madera Creek, adjacent to 43 Greenbrae Boardwalk, near Greenbrae, Marin County; for two existing boat docks and appurtenant facilities. CEQA Consideration: not a project. (PRC 9270.1; RA# 05318) (A 10; S 2) (Staff: G. Asimakopoulos)

C 29 BURLINGAME BAY ASSOCIATES (LESSEE): Consider amendment of lease and revision of rent to Lease No. PRC 4687.1, a General Lease - Commercial Use, of filled and unfilled sovereign land located in San Francisco Bay, near Burlingame, San Mateo County; for a restaurant, parking lot, lagoon, footbridge, pedestrian path, landscaping, and shoreline protection. CEQA Consideration: not a project. (PRC 4687.1) (A 22; S 13) (Staff: A. Franzoia)

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- C 30 CROCKETT MARINE SERVICES, INC. (LESSEE): Consider finding of default; authorizing termination of a General Lease - Commercial Use; and authorizing the Executive Officer, or her designee, to take all steps necessary, including litigation or acceptance of quitclaim, to cause payment of back rent; the removal of an existing commercial marina, restaurant, boat repair facility, and appurtenant facilities, located in the Carquinez Strait adjacent to 501 Port Street, Crockett, Contra Costa County; and the restoration of the land to its condition prior to the alterations made under Lease No. PRC 2564.1, a General Lease - Commercial Use, to the satisfaction of the Commission. CEQA Consideration: not a project. (PRC 2546.1) (A 14; S 3) (Staff: N. Lavoie)
- C 31 CHEMTRADE WEST US LLC (LESSEE): Consider revision of rent to Lease No. PRC 4410.1, a General Lease - Right-of-Way Use, of sovereign land located in the Suisun Bay, adjacent to 501 Nichols Road, near Bay Point, Contra Costa County; for an existing outfall pipeline. CEQA Consideration: not a project. (PRC 4410.1) (A 14; S 7) (Staff: S. Evans)
- C 32 CITY OF PALO ALTO (LESSEE): Consider amendment of Lease No. PRC 9143.1, a General Lease - Public Agency Use, of sovereign land near the Palo Alto Airport, Palo Alto, Santa Clara County; to authorize existing pipelines and allow for the construction of a new outfall pipeline associated with a wastewater treatment plant. CEQA Consideration: Mitigated Negative Declaration, adopted by the City of Palo Alto, State Clearinghouse No. 2017122060, and adoption of a Mitigation Monitoring Program. (PRC 9143.9; RA# 29817) (A 24; S 13) (Staff: D. Tutov)
- C 33 CITY OF SUISUN CITY (APPLICANT): Consider application for a General Lease - Dredging, of sovereign land located in Suisun Slough, City of Suisun City, Solano County; maintenance dredging of a maximum of 63,850 cubic yards of material over ten years and disposal of dredged material at the United States Army Corps of Engineers' designated upland site at Pierce Island. CEQA Consideration: categorical exemption. (PRC 7757.9; RA# 08918) (A 11; S 3) (Staff: A. Franzoia)

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- C 34 CROSSINGS AT 880 INDUSTRIAL LLC, A DELAWARE LIMITED LIABILITY COMPANY (ASSIGNOR); THE CROSSINGS @ 880 OWNERS ASSOCIATION, A CALIFORNIA NONPROFIT MUTUAL BENEFIT CORPORATION (ASSIGNEE): Consider assignment of Lease No. PRC 8370.1, a General Lease - Right-of-Way Use, of sovereign land located in Coyote Creek, adjacent to Assessor's Parcel Number 519-0820-002-16, near Fremont, Alameda County; for four existing culverts. CEQA Consideration: not a project. (PRC 8370.1; RA# 04718) (A 25; S 10) (Staff: G. Asimakopoulos)
- C 35 ADAM FARROW (APPLICANT): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Calaveras River, adjacent to 4423 Yacht Harbor Drive, Stockton, San Joaquin County; for an existing covered boat dock, side boat dock, 14 pilings, landing, ramp, and walkway previously authorized by the Commission, and two existing floats, boat lift, and bank protection not previously authorized by the Commission. CEQA Consideration: categorical exemption. (PRC 3686.1; RA# 21017) (A 13; S 5) (Staff: J. Holt)
- C 36 JEREMY M. FISHER-SMITH (APPLICANT): Consider application for a General Lease - Commercial Use, of sovereign land located in Tomales Bay, adjacent to 19225 Highway 1, Marin County; for three existing mooring buoys not previously authorized by the Commission. CEQA Consideration: Negative Declaration, adopted by the California State Lands Commission, State Clearinghouse No. 2012082074. (W 26950; RA# 17615) (A 10; S 2) (Staff: D. Tutov)
- C 37 STEVEN F. GIANANDREA AND JUDY L. BAKER-GIANANDREA, TRUSTEES OF THE GIANANDREA FAMILY TRUST DATED OCTOBER 30, 2007 (LESSEE): Consider revision of rent to Lease No. PRC 6527.1, a General Lease - Recreational and Protective Structure Use, of sovereign land located in the San Joaquin River, adjacent to 2039 Cove Court, Stockton, San Joaquin County; for a boat dock, appurtenant facilities, bulkhead, and fill. CEQA Consideration: not a project. (PRC 6527.1) (A 13; S 5) (Staff: S. Evans)

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- C 38 LEE HENRY GREENBERG, TRUSTEE OF THE LEE HENRY GREENBERG REVOCABLE TRUST (APPLICANT): Consider application for a General Lease - Residential and Recreational Use, of sovereign land located in Corte Madera Creek, adjacent to 14 Lucky Drive, near Greenbrae, Marin County; for an existing residence, decks, docks, and appurtenant facilities. CEQA Consideration: categorical exemption. (PRC 8031.1; RA# 24617) (A 10; S 2) (Staff: V. Caldwell)
- C 39 WILLIAM J. KOENIG AND JANE O'GREEN KOENIG, CO-TRUSTEES OF THE KOENIG FAMILY TRUST, DATED FEBRUARY 20, 2001 (APPLICANT): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Sacramento River, adjacent to 4027 Garden Highway, near Sacramento, Sacramento County; for an existing boat dock, appurtenant facilities, and bank protection. CEQA Consideration: categorical exemption. (PRC 7794.1; RA# 24217) (A 7; S 6) (Staff: J. Holt)
- C 40 JOHN C. LAING AND ELIZABETH A. LAING, AS TRUSTEES OF THE 2000 JOHN C. LAING AND ELIZABETH A. LAING REVOCABLE TRUST DATED AUGUST 23, 2000, AS AMENDED AND RESTATED ON APRIL 22, 2013 (APPLICANT): Consider application for a General Lease - Protective Structure Use, of sovereign tide and submerged land located in the Pacific Ocean, adjacent to 4610 Opal Cliff Drive, near Santa Cruz, Santa Cruz County; for an existing stem wall. CEQA Consideration: categorical exemption. (PRC 8793.1; RA# 23916) (A 29; S 17) (Staff: G. Asimakopoulos)
- C 41 LIND TUG AND BARGE, INC. (APPLICANT): Consider adoption of a Mitigated Negative Declaration, State Clearinghouse No. 2018062075, and adoption of a Mitigation Monitoring Program, and consider application for a General Lease - Mineral Extraction, of sovereign land located in south San Francisco Bay, near the San Mateo Bridge, San Mateo and Alameda Counties; for the mineral extraction of oyster shell deposits. (PRC 5534.1; RA# 00516) (A 20, 22; S 10, 13) (Staff: A. Franzoia)

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- C 42 MATTHEW PORTER (APPLICANT): Consider application for a General Lease -Recreational Use, of sovereign land located in Tomales Bay, adjacent to 19025 Highway 1, Marin County; for an existing mooring buoy not previously authorized by the Commission. CEQA Consideration: Negative Declaration, adopted by the California State Lands Commission, State Clearinghouse No. 2012082074. (W 27191; RA# 38415) (A 10; S 2) (Staff: D. Tutov)
- C 43 ROBERT ROZETT (APPLICANT): Consider application for a General Lease -Recreational Use, of sovereign land located in Tomales Bay, adjacent to 19025 Highway 1, near Marshall, Marin County; for an existing mooring buoy not previously authorized by the Commission. CEQA Consideration: Negative Declaration, adopted by the California State Lands Commission, State Clearinghouse No. 2012082074. (W 27197; RA# 34615) (A 10; S 2) (Staff: D. Tutov)
- C 44 ERIC C. SCNEDER AND JACALYN SCNEDER (LESSEE); THOMAS A. CHEDDAR AND BARBARA L. CHEDDAR (APPLICANT): Consider acceptance of quitclaim deed for Lease No. PRC 6740.1, a General Lease - Recreational Use, and application for a General Lease - Recreational Use, of sovereign land located in the Sacramento River, adjacent to 14434 State Highway 160, near Walnut Grove, Sacramento County; for an existing covered boat dock with slip, appurtenant facilities, and two speed buoys. CEQA Consideration: categorical exemption. (PRC 6740.1; RA# 23417) (A 11; S 3) (Staff: J. Holt)
- C 45 PAUL SCOTT AND ANDREA SCOTT (APPLICANT): Consider termination of Lease No. PRC 4784.1, a General Lease - Recreational and Protective Structure Use; and an application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Sacramento River, adjacent to 17368 Grand Island Road, near Walnut Grove, Sacramento County; for an existing fishing pier with wood enclosure, ramp, and bank protection previously authorized by the Commission, and an existing floating boat dock and gangway not previously authorized by the Commission. CEQA Consideration: categorical exemption. (PRC 4784.1; RA# 16116) (A 11; S 3) (Staff: J. Holt)

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- C 46 STEAMBOAT LANDING, LLC (LESSEE): Consider revision of rent to Lease No. PRC 4244.1, a General Lease - Recreational Use, of sovereign land located in the Sacramento River, adjacent to 12414 State Highway 160, Courtland, Sacramento County; for an accommodation dock, gangway, guest dock with connecting walkway and appurtenant facilities. CEQA Consideration: not a project. (PRC 4244.1) (A 11; S 3) (Staff: S. Evans)
- C 47 LUCY M. STEVENOT; TODD STEVENOT AND ANNE CATHARINE SANDBACH (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in the Petaluma River, adjacent to 128 Beattie Avenue, near Novato, Marin County; for an existing walkway, float and deck. CEQA Consideration: categorical exemption. (PRC 3869.1; RA# 35017) (A 10; S 2) (Staff: J. Holt)
- C 48 TIME WARNER TELECOM CALIFORNIA, L.P. (LESSEE): Consider revision of rent to Lease No. PRC 8014.1, a General Lease - Right-of-Way Use, of sovereign land located in the San Joaquin River, Laird Slough, Tuolumne River, and Merced River, near Grayson, Herndon, Atwater, and the city of Modesto, in the counties of Stanislaus, Madera, Fresno, and Merced; for a pipe casing containing six conduit ducts with fiber-optic cable within four of the six ducts. CEQA Consideration: not a project. (PRC 8014.1) (A 5, 21, 23; S 8, 12) (Staff: S. Evans)
- C 49 U.S. FISH AND WILDLIFE SERVICE (LESSEE): Consider amendment of Lease No. PRC 8993.9, a General Lease - Public Agency Use, of sovereign land located in the Napa River and Dutchman Slough, near Vallejo, Solano County; for extension of lease term; expansion of lease area; and modification of authorized improvements, for the Cullinan Ranch Restoration Project. CEQA Consideration: Environmental Impact Report/Statement certified by the California Department of Fish and Wildlife, State Clearinghouse No. 2007092004. (PRC 8993.9; RA# 14017) (A 7; S 2) (Staff: J. Holt)
- CENTRAL/SOUTHERN REGION
- C 50 AT&T CORPORATION (APPLICANT): Consider

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application for a General Lease - Right-of-Way Use, of sovereign land located in the Pacific Ocean, near Los Osos, San Luis Obispo County; for a conduit and buried fiber-optic cable. CEQA Consideration: categorical exemption. (PRC 8144.1; RA# 01218) (A 35; S 17)
(Staff: L. Pino)

C 51 AT&T CORPORATION (LESSEE): Consider amendment of Lease No. PRC 8204.1, a General Lease - Right-of-Way Use, of sovereign land located in the Pacific Ocean, near Montaña Del Oro State Beach, San Luis Obispo County; to modify the burial depth inspection survey interval for a fiber-optic cable. CEQA Consideration: not a project. (PRC 8204.1; RA# 01118) (A 35; S 17)
(Staff: L. Pino)

C 52 CITY OF LOS ANGELES DEPARTMENT OF WATER AND POWER (LESSEE): Consider amendment of Lease No. PRC 8079.9, a General Lease - Public Agency Use, of sovereign land located on the dry lakebed of Owens Lake, Inyo County; for the installation, use, and maintenance of barn owl boxes, the extended use of sand fences, the re-designation of 353 acres of managed vegetation dust control measures to shallow flooding, the use and maintenance of two previously unauthorized access roads, installation of a flood control system, and the use and maintenance of previously unauthorized gravel cover. CEQA Consideration: Environmental Impact Reports (State Clearinghouse Nos. 2011051068 and 2014071057) certified by the City of Los Angeles Department of Water and Power, an Addendum to the Environmental Impact Reports prepared by Commission staff, and a categorical exemption. (PRC 8079.9; RA# 15117) (A 26; S 8) (Staff: D. Simpkin)

C 53 CITY OF SAN BUENAVENTURA (APPLICANT): Consider application for a General Lease - Public Agency Use, of sovereign land in the Pacific Ocean, near Ventura, Ventura County; for the deposition of dredge material from Ventura Keys, of up to 100,000 cubic yards annually, not to exceed 350,000 cubic yards over the term of the lease. CEQA Consideration: categorical exemption. (PRC 8786.9; RA# 29717) (A 37; S 19)
(Staff: K. Connor)

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- C 54 COUNTY OF SANTA BARBARA (APPLICANT):
 Consider application for a General Lease -
 Public Agency Use, of sovereign land located in
 the Pacific Ocean, southwest of Sand Point Road,
 near Carpinteria, Santa Barbara County; for
 repair, operation and maintenance of an existing
 rock revetment not previously authorized by the
 Commission. CEQA Consideration: categorical
 exemption. (W 27217) (A 37; S 19)
 (Staff: G. Kato) 124
- C 55 DEL JUNCO CHILDREN'S INVESTMENTS, LLC
 (LESSEE): Consider revision of rent to Lease No.
 PRC 3170.1, a General Lease - Recreational Use,
 of sovereign land located in the Main Channel
 of Huntington Harbour, adjacent to 16592
 Somerset Lane, Huntington Beach, Orange County;
 for a boat dock, access ramp, and cantilevered
 deck. CEQA Consideration: not a project.
 (PRC 3170.1) (A 72; S 34) (Staff: S. Evans)
- C 56 EVERINGHAM BROS. BAIT COMPANY INC. (LESSEE):
 Consider revision of rent to Lease No. PRC
 9124.1, a General Lease - Commercial Use, of
 sovereign land located in the San Diego Bay, San
 Diego County; for two bait barges. CEQA
 Consideration: not a project. (PRC 9124.1)
 (A 78; S 39) (Staff: S. Evans)
- C 57 RICHARD A. JOHNSON AND GAIL LYNN JOHNSON,
 TRUSTEES OF THE R.A. & G.L. JOHNSON TRUST DATED
 APRIL 4, 2011 (APPLICANT): Consider application
 for a General Lease - Recreational Use, of
 sovereign located in the Main Channel of
 Huntington Harbour, adjacent to 16792 Coral Cay
 Lane, Huntington Beach, Orange County; for the
 removal of an existing boat dock and access ramp
 not previously authorized by the Commission,
 and the construction, use, and maintenance of
 a new boat dock and access ramp. CEQA
 Consideration: categorical exemption. (W 27018;
 RA# 26917) (A 72; S 34) (Staff: K. Connor)
- C 58 PACIFIC GAS AND ELECTRIC COMPANY
 (APPLICANT): Consider application for a General
 Lease - Right-of-Way Use, of sovereign land

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crossing the San Joaquin River, near Fresno, Fresno and Madera Counties; for an existing electrical transmission line not previously authorized by the Commission, and the installation, use, and maintenance of a fiber-optic cable. CEQA Consideration: categorical exemptions. (W 27192; RA# 35217) (A 5, 23; S 8, 12) (Staff: D. Simpkin)

C 59 PG MARINA INVESTORS II (APPLICANT): Consider termination of Lease Nos. PRC 3376.1 and PRC 4737.1, General Leases - Commercial Use and an application for a General Lease - Commercial Use, of sovereign land located in the Main Channel of Huntington Harbour, Huntington Beach, Orange County; for a commercial marina. CEQA Consideration: categorical exemption. (W 27122; PRC 3376.1; PRC 4737.1; RA# 30916) (A 72; S 35) (Staff: D. Simpkin)

C 60 ELSIE SUE PIERSON, CO-TRUSTEE OF THE PIERSON FAMILY TRUST, UDT DATED MARCH 25, 2004 (ASSIGNOR); SUNSHINE GROWERS NURSERY INC. (ASSIGNEE): Consider assignment of Lease No. PRC 3166.1, a General Lease - Recreational Use, of sovereign land located in the Main Channel of Huntington Harbour, adjacent to 16522 Somerset Lane, Huntington Beach, Orange County; for an existing boat dock, access ramp, and cantilevered deck. CEQA Consideration: not a project. (PRC 3166.1; RA# 07218) (A 72; S 34) (Staff: K. Connor)

C 61 MERLE A. SMITH AND ETTA M. SMITH, AS TRUSTEES OF THE MERLE A. SMITH AND ETTA M. SMITH TRUST UTD APRIL 6, 2000 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in the Midway Channel of Huntington Harbour, adjacent to 3595 Courtside Circle, Huntington Beach, Orange County; for an existing boat dock, access ramp, and cantilevered deck not previously authorized by the Commission. CEQA Consideration: categorical exemption. (W 27000; RA# 04218) (A 72; S 34) (Staff: K. Connor)

C 62 SOUTHERN CALIFORNIA EDISON COMPANY (LESSEE): Consider revision of rent to Lease No. PRC 6704.1, a General Lease - Right-of-Way Use, of sovereign land located in the Kern River, northeast of Bakersfield,

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Kern County; for an existing overhead transmission line. CEQA Consideration: not a project. (PRC 6704.1) (A 34; S 16) (Staff: S. Evans)

C 63 MICHAEL R. VAN VOORHIS AND DENISE L. VAN VOORHIS, TRUSTEES OF THE VAN VOORHIS FAMILY TRUST, DATED OCTOBER 31, 2001 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in the Midway Channel of Huntington Harbour, adjacent to 16923 Park Avenue, Sunset Beach, Orange County; for an existing boat dock and access ramp. CEQA Consideration: categorical exemption. (PRC 8036.1; RA# 24717) (A 72; S 34) (Staff: K. Connor)

C 64 IDA AGNIFILI ZABY, TRUSTEE OF THE I. AGNIFILI TRUST, DATED APRIL 29, 2008 (ASSIGNOR); FRANK B. DEGELAS AND DONNA L. DEGELAS, AS TRUSTEE(S) OF THE FRANK AND DONNA DEGELAS TRUST ESTABLISHED 2-27-2003 (ASSIGNEE): Consider assignment of Lease No. PRC 7986.1, a General Lease - Recreational Use, of sovereign land located in the Main Channel of Huntington Harbour, adjacent to 3632 Venture Drive, Huntington Beach, Orange County; for an existing boat dock, access ramp, and cantilevered deck. CEQA Consideration: not a project. (PRC 7986.1; RA# 26717) (A 72; S 34) (Staff: K. Connor)

SCHOOL LANDS

C 65 BIDART LIVESTOCK, INC. (APPLICANT): Consider application for a General Lease - Grazing Use, of State-owned lieu land located in a portion of Section 15, Township 31 South, Range 21 East, MDM, south of McKittrick, San Luis Obispo County; for existing cattle grazing, and an access road, drift fence, water pipeline, and water troughs. CEQA Consideration: categorical exemptions. (PRC 5672.2; RA# 00918) (A 17; S 35) (Staff: C. Hudson)

C 66 CALIFORNIA STATE LANDS COMMISSION, BARSTOW SPANISH TRAIL, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY (PARTIES): Consider amendment to the Offer to Purchase Real Estate in the County of San Bernardino and Acceptance of Offer to Purchase, to extend the closing date. CEQA Consideration: not a project. (SA

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5772; RA# 24716) (A 33; S 16) (Staff: J. Porter, P. Huber)

- C 67 SAN DIEGO GAS AND ELECTRIC COMPANY, A CALIFORNIA CORPORATION (APPLICANT): Consider application for a General Lease - Right-of-Way Use, of State-owned school land located within a portion of Section 36, Township 15 South, Range 3 East, SBM, north of Granite Vista Way, San Diego County; for an existing electrical transmission line previously authorized by the Commission, and an unpaved access road not previously authorized by the Commission. CEQA Consideration: categorical exemption. (PRC 4451.2; RA# 31217) (A 71; S 38) (Staff: J. Porter)
- C 68 SOCIETY FOR THE CONSERVATION OF BIGHORN SHEEP (LESSEE): Consider revision of rent to Lease No. PRC 4910.2, a General Lease - Other, of State school land in a portion Section 16, Township 2 South, Range 18 East, SBM, Granite Mountains, Riverside County; for two existing rainwater catchment basin systems. CEQA Consideration: not a project. (PRC 4910.2) (A 56; S 28) (Staff: S. Evans)

MINERAL RESOURCES MANAGEMENT

- C 69 CALIFORNIA STATE LANDS COMMISSION (PARTY): Consider approval of qualifying miles for Subventions for Fiscal Year 2018-2019, to the counties of Ventura and Santa Barbara; to the city of Carpinteria located in Santa Barbara county; to the cities of Huntington Beach and Seal Beach located in Orange county; and to the city of Long Beach located in Los Angeles county. CEQA Consideration: not a project. (W 4848.1, W 4848.3, W 4848.4, W 4848.5, W 4848.6, W 4848.8) (A 37, 53, 68, 70, 72, 74; S 19, 24, 33, 34, 37) (Staff: N. Heda, D. Cook)
- C 70 CITY OF LONG BEACH (GRANTEE): Consider acceptance of the Final Report and Closing Statement for the Long Beach Unit Annual Plan (July 1, 2017 through June 30, 2018), Long Beach Unit, Wilmington Oil Field, Los Angeles County. CEQA Consideration: not a project. (W 17166) (A 70; S 33, 34) (Staff: E. Tajer)

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MARINE ENVIRONMENTAL PROTECTION - SEE REGULAR

ADMINISTRATION - NO ITEMS

LEGAL

C 71 SPANOS CORPORATION AND THE CALIFORNIA STATE LANDS COMMISSION (PARTIES): Consider compromise title settlement agreement involving lands within and adjacent to the historic channel of the Petaluma River, city of Petaluma, Sonoma County. CEQA Consideration: statutory exemption. (W 26316) (A 10; S 3) (Staff: J. Garrett, J. Frey)

KAPILOFF LAND BANK TRUST ACQUISITIONS - NO ITEMS

EXTERNAL AFFAIRS

GRANTED LANDS

C 72 CITY OF LONG BEACH (GRANTEE): Review a proposed tideland oil revenue expenditure in an amount not to exceed \$5,153,387 by the City of Long Beach for two capital improvement projects located on or adjacent to legislatively granted lands in the of the City of Long Beach, Los Angeles County. CEQA Consideration: not a project. (G 05-03) (A 70; S 33) (Staff: M. Moser)

C 73 THE OFFICE OF COMMUNITY INVESTMENT AND INFRASTRUCTURE (SUCCESSOR AGENCY TO THE SAN FRANCISCO REDEVELOPMENT AGENCY), CALIFORNIA DEPARTMENT OF PARKS AND RECREATION, AND THE CALIFORNIA STATE LANDS COMMISSION (PARTIES): Consider approving a parcel boundary adjustment and a revised facilities plan in connection with the Hunters Point Shipyard/Candlestick Point Title Settlement, Public Trust Exchange, and Boundary Line Agreement. CEQA Consideration: Environmental Impact Report certified by the San Francisco Planning Commission and the Redevelopment Agency Commission, State Clearinghouse No. 2007082168, and Addendum. (AD 557; G 11-00.7) (A 17; S 11) (Staff: R. Boggiano, A. Kershen)

V INFORMATIONAL - SEE REGULAR

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VI REGULAR CALENDAR 74-78	
74 REVELL COASTAL, LLC (INFORMATIONAL): Presentation by the Principal and Chief Coastal Scientist of Revell Coastal, LLC on its collaboration with the City of Imperial Beach to develop an approach to sea level rise planning for the City and describe results of the coastal hazard vulnerabilities and economic impact assessment. CEQA Consideration: not applicable. (A 78, 80; S 39, 40) (Staff: J. Lucchesi)	18
75 CALIFORNIA STATE LANDS COMMISSION: Consider approval of a new environmental justice policy and implementation blueprint. CEQA Consideration: not a project. (A & S: Statewide) (Staff: S. Pemberton)	49
76 CALIFORNIA STATE LANDS COMMISSION: Consider approval of the final Preliminary Assessment Report for the San Diego Ocean Planning Partnership, a pilot project of the State Lands Commission and the Port of San Diego. CEQA Consideration: not a project. (A 78, 80; S 39, 40) (Staff: M. Farnum, J. Mattox)	69
77 CALIFORNIA STATE LANDS COMMISSION: Consider approval of the legislative report titled "2018 Assessment of the Efficacy, Availability, and Environmental Impacts of Ballast Water Treatment Technologies for Use in California Waters." CEQA Consideration: not a project. (W 9777.234, W 9777.290) (A & S: Statewide) (Staff: J. Thompson, N. Dobroski)	113
78 CALIFORNIA STATE LANDS COMMISSION (INFORMATIONAL): Informational report on the Commission's Eminent Domain Authority and the associated legal requirements and process. CEQA Consideration: not applicable. (A & S: Statewide) (Staff: W. Crunk)	16
VII PUBLIC COMMENT	143
VIII COMMISSIONERS' COMMENTS	157

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IX CLOSED SESSION: AT ANY TIME DURING THE MEETING
THE COMMISSION MAY MEET IN A SESSION CLOSED TO
THE PUBLIC TO CONSIDER THE MATTERS LISTED BELOW
PURSUANT TO GOVERNMENT CODE SECTION 11126, PART
OF THE BAGLEY-KEENE OPEN MEETING ACT: 157

A. LITIGATION.

The Commission may consider pending and possible litigation pursuant to the confidentiality of attorney-client communications and privileges provided under Government Code section 11126, subdivision (e).

1. The Commission may consider pending and possible matters that fall under Government Code section 11126, subdivision (e)(2)(A), concerning adjudicatory proceedings before a court, an administrative body exercising its adjudicatory authority, a hearing officer, or an arbitrator, to which the Commission is a party. Such matters currently include the following:

California Coastkeeper Alliance, California Coastal Protection v. California State Lands Commission

California State Lands Commission v. City and County of San Francisco

In re: Rincon Island Limited Partnership Chapter 7

In re: Venoco, LLC, Bankruptcy Chapter 11

Madden v. City of Redwood City

Martins Beach 1, LLC and Martins Beach 2, LLC v. Effie Turnbull-Sanders, et al.

Oakland Bulk and Oversized Terminal, LLC v. City of Oakland

State of California v. International Boundary and Water Commission, et al.

San Francisco Baykeeper v. California State Lands Commission

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San Joaquin River Exchange Contractors Water Authority
v. State of California; State Lands Commission

Seacliff Beach Colony Homeowners Association v. State
of California, et al.

Sierra Club, et al. v. City of Los Angeles, et al.

SLPR, LLC, et al. v. San Diego Unified Port District,
California State Lands Commission

SOS Donner Lake v. State of California, et al

Terminal One Development v. State of California, et
al.

United States v. 1.647 Acres

United States v. State of California, et al.

United States v. Walker River Irrigation District, et
al.

2. The Commission may consider matters that fall
under Government Code section 11126, subdivision
(e)(2)(b), under which;

a. A point has been reached where, in the
opinion of the Commission, on the advice of its legal
counsel, based on existing facts and circumstances,
there is a significant exposure to litigation against
the Commission, or

b. Based on existing facts and circumstances,
the Commission is meeting only to decide whether a
closed session is authorized because of a significant
exposure to litigation against the Commission.

3. The Commission may consider matters that fall
under Government Code section 11126, subdivision
(e)(2)(C), where, based on existing facts and
circumstances, the state body has decided to initiate
or is deciding whether to initiate litigation.

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B. CONFERENCE WITH REAL PROPERTY NEGOTIATORS.

The Commission may consider matters that fall under Government Code section 11126, subdivision (c)(7), under which, prior to the purchase sale, exchange, or lease of real property by or for the Commission, the directions may be given to its negotiators regarding price and terms of payment for the purchase, sale, exchange, or lease. At the time of publication of this Agenda, it is not anticipated that the Commission will discuss any such matters; however, at the time of the scheduled meeting, a discussion of any such matter may be necessary or appropriate.

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P R O C E E D I N G S

1
2 CHAIRPERSON YEE: Good afternoon. I will call
3 the meeting of the State Lands Commission to order.

4 All representatives of the Commission are
5 present. I am State Controller Betty Yee. And I'm joined
6 today by Lieutenant Governor Staff Scientist Sloane Viola,
7 and Jacqueline Wong-Hernandez representing the Department
8 of Finance.

9 For the benefit of those in the audience, the
10 State Lands Commission manages State property interests in
11 over five million acres of land including mineral
12 interests. The Commission also has responsibility for the
13 prevention of oil spills at marine oil terminals, and
14 offshore oil platforms, and for preventing the
15 introduction of marine invasive species into California's
16 marine waters.

17 Today, we will hear requests and presentations
18 involving the lands and resources within the Commission's
19 jurisdiction.

20 We recognize that the lands we manage have been
21 inhabited for thousands of years by California's native
22 people, and takes seriously our trust relationship with
23 these sovereign governments. Today, our gratitude goes to
24 the Kumeyaay people who have inhabited the San Diego area
25 and Baja, California for over 12,000 years, or 600

1 generations.

2 Today, we are pleased and honored to have
3 Chairwoman Erica Pinto with Jamul Indian Village here to
4 teach us about her tribe and their history and to give an
5 opening blessing.

6 Ms. Pinto.

7 MS. PINTO: Do you have a napkin for this gum?

8 (Laughter.)

9 MS. PINTO: I have to identify myself for the
10 record. My name is Erica Pinto and I'm the Chairwoman of
11 the Jamul Indian Village of California. We are one of 13
12 bands of the Kumeyaay Nation located in San Diego County.
13 And as you are well aware, there are 110 federally
14 recognized nations throughout California.

15 Just like the State Lands Commission, the
16 Kumeyaay people are entrusted in taking care of our lands,
17 all of our tribal lands and our resources. The Kumeyaay
18 Nation is committed to protecting tribal lands and
19 cultural resources, and hopes that the State Land
20 Commission is committed to fulfilling its obligation, as
21 you mentioned, to consult with tribes and to prevent or
22 minimize the impacts to the culture resources.

23 In addition to direct impacts to tribal cultural
24 resources, the impacts of climate change are already being
25 felt in our tribal communities with respect to gathering

1 traditional and medicinal plants. I encourage the State
2 Lands Commission to continue to take into consideration
3 the damaging impacts of climate change in our environment
4 as it makes its decisions regarding the lands under its
5 jurisdiction.

6 Lastly, given our shared interest, I believe
7 there are opportunities, like this one, for communication
8 and increased collaboration, and coordination, and the
9 future that would benefit both tribal and non-tribal
10 communities alike.

11 Thank you and welcome to Kumeyaay Territory. I
12 wish you a meaningful and productive meeting.

13 Thank you for having me.

14 CHAIRPERSON YEE: Thank you very much,
15 Chairwoman.

16 Next, I want to welcome Port of San Diego Chair
17 Rafael Castellanos. Please come forward. Good afternoon.

18 MR. CASTELLANOS: Good afternoon, State
19 Controller Yee, Deputy Controller Baker, members of the
20 Commission. My name is Rafael Castellanos. I am the
21 Chairman of the Port of San Diego. I'd like to welcome
22 you to the Port of San Diego. We're here at Wyndham
23 Bayside, one of our 18 hotels on the waterfront.

24 As you know, the Port of San Diego is a State
25 special district that was created in 1962 to manage the

1 tidelands around the San Diego Bay. We are very proud of
2 our role and we take it seriously.

3 With respect to the bay and the ocean, we
4 understand the importance of the economic, recreational,
5 and national security considerations and impacts of those
6 resources.

7 And that's the reason why my Chairman's theme for
8 the year is "Ocean Optimism". And that's the belief that
9 the bay, the ocean, they are one of our greatest sources
10 of opportunity, not just environmental sustainability
11 opportunity, but also economic and quality of life
12 opportunity.

13 But it's more than just a catchy slogan. It
14 speaks to the unlimited potential for the development of
15 food, medicine, biofuels energy and many other uses. In
16 fact, the Port of San Diego is so confident, that in 2016
17 we started a blue economy incubator to foster start-ups in
18 this space. We have already approved agreements and
19 funding for six incubator projects in the areas of copper
20 remediation, technology, smart marina, optimization,
21 seaweed farming, oyster growing, and a marine debris
22 removal technology.

23 We're pleased to support today's Commission
24 agenda item that calls for the approval of the final
25 preliminary assessment report for the San Diego Ocean

1 Planning Partnership, a pilot project between the Port of
2 San Diego and the State Lands Commission. We urge that
3 you approve this preliminary assessment report, and that
4 we can continue to work together, the Port of San Diego
5 with the State Lands Commission to continue this extremely
6 important project.

7 And on separate but related item, the Port of San
8 Diego is working extremely hard with our neighbors in
9 Barrio Logan and National City to make sure that the
10 impacts of our cargo operations do not disproportionately
11 affect those communities.

12 Environmental justice is woven into each project
13 that the Port of San Diego considers as we seek to find
14 win-win-win outcomes, a win for the community, a win for
15 our tenants, and a win for the Port of San Diego.

16 And so we are an enthusiastic supporter of the
17 Commission's agenda item that seeks approval of a new
18 Environmental Justice Policy and implementation blueprint,
19 because it's the right thing to do.

20 In closing, I want to welcome you again to the
21 Port of San Diego. I hope that you have a very good and
22 productive meeting. Port of San Diego staff will be here
23 for the remainder of the meeting to provide comments on
24 Items 74, 75, and 76, which are of direct interest to the
25 Port and the San Diego region.

1 Thank you very much.

2 CHAIRPERSON YEE: Thank you, Chair Castellanos.
3 And let me just say a personal thanks to you and your
4 staff for the really robust partnership that the
5 Commission has enjoyed with you and your Port staff. And
6 I think what we're going to be taking up today is really a
7 testament of what these partnerships can mean. And we
8 look at this as just the first step of many more.

9 Thank you.

10 Thank you, Commissioners. The next item -- the
11 first item of business will be the adoption of the minutes
12 from the Commission's meeting of October 18th, 2018. May
13 I have a motion to approve the minutes.

14 ACTING COMMISSIONER WONG-HERNANDEZ: Move
15 approval.

16 CHAIRPERSON YEE: Okay. Motion by Commissioner
17 Wong-Hernandez.

18 ACTING COMMISSIONER VIOLA: Second

19 CHAIRPERSON YEE: Seconded by Commissioner Viola.
20 Without objection, such will be the order.

21 Next order of business is the Executive Officer's
22 report. And, Ms. Lucchesi, may we have the report.

23 EXECUTIVE OFFICER LUCCHESI: Yes. Good
24 afternoon. I have a number of things I would like to
25 update the Commission and members of the public on.

1 First, for parking today, a little house --
2 housekeeping, for those of you who did park a vehicle in
3 the hotel parking lot, we do have \$10 parking vouchers, so
4 please be sure to see Alicia or Nate at the front desk for
5 those vouchers. It's a significant discount from, I
6 think, the \$32 that they're charging.

7 So next onto the real business. I want to update
8 the Commission on our geophysical survey regulations. On
9 November 16th, the Commission started a 45-day public
10 comment period for regulations to permit geophysical
11 surveys occurring on Commission managed lands, primarily
12 offshore. These regulations include operational
13 requirements for motorboats and other vessels to minimize
14 the potential for significant environmental impact caused
15 by survey activity. These regulations are consistent with
16 authority granted by AB 1274 passed in 2015. And a public
17 hearing is scheduled to be held in Sacramento on January
18 4th of next year, which will -- excuse me -- also be the
19 close of public comment.

20 Next, I want to update the Commission on our work
21 at Platform Holly and related infrastructure. As it
22 relates to Platform Holly and the Ellwood Onshore
23 Facility, we continue to do a lot of the preparation work
24 to get us ready for the plugging and abandonment project
25 that we hope to start in April of next year. As we've

1 talked about in -- at previous Commission meetings, there
2 is a lot of preparation work, including updating and, in
3 some cases, rebuilding portions of the platform and
4 repairing the EOF, so that it is in a safe condition to be
5 able to process the oil and gas that will be produced from
6 the plugging and abandonment work. And so we continue to
7 work on those efforts, again to be able to start the
8 actual plugging and abandonment of the 30 wells in April
9 or May of next year.

10 The biggest item relating to Platform Holly is
11 that we are very close to starting work on the plugging
12 and abandonment of the two surfline lease wells at PRC
13 421. These are two wells dating back to the 1940s, and
14 they sit with two cement caissons. One is a water
15 disposal well and then the other is a production well. We
16 have been repairing the access road, so that we can get a
17 rig out there. And we hope to start the actual plugging
18 and abandonment of those two wells in January of 2019.

19 We are working closely with DOGGR for the
20 necessary approvals. And each well should take about 12
21 to 15 days to complete. We are also closely working with
22 the Coastal Commission, because we will have to close the
23 beach while we're conducting work with heavy equipment out
24 there for health and safety purposes. So we're working
25 with the Coastal Commission to ensure we have the proper

1 authorization to close the beach for the couple of days
2 that will be necessary.

3 Next, an update on Rincon Island. The onshore
4 decommissioning work we're making significant progress on
5 that. We are please to update you that we will be
6 completing the surface abandonment of our ninth well.
7 This is out of 25 on the upland location. We, along with
8 our contractor DrilTek and DOGGR, have been working
9 together to ensure these wells are properly abandoned.
10 And the abandonment of the 50 offshore wells at Rincon
11 Island is expected to begin in mid-January 2019.

12 And in anticipation of this work, staff is
13 currently reviewing logistical plans, the production rig
14 is in the process of being refurbished, and deficient
15 wellheads are being repaired. So we're making pretty
16 significant progress on the Rincon Island decommissioning,
17 and we're very pleased about that.

18 I was just checking my phone, because my next
19 update is on Hollister Ranch. Our mean high tide line
20 survey is starting today. Our surveyors are supposed to
21 be meeting which -- with the Ranch Association
22 representatives at 1:00 o'clock today to begin that mean
23 high tide line survey work. It is anticipated to take a
24 couple of weeks to complete, and will likely be completed
25 in January, with the caveat that our surveyors are at the

1 mercy of tides and the weather over the next couple
2 months.

3 And then as a public service announcement, it's
4 my understanding that the Coastal Commission has also
5 agendized an informational item on Hollister Ranch and the
6 history of public access at the site for their Friday
7 portion of the meeting next week.

8 I also want to update the Commission and the
9 public on the Tijuana River litigation. The California
10 State Lands Commission has requested to join in on the
11 State's litigation to halt the flow of toxic waste and
12 sewage from the Tijuana River to the Pacific ocean. The
13 court will consider this request on December 10th.

14 The almost continuous flow of toxic waste and
15 sewage into the Tijuana River and Pacific Ocean is a
16 significant threat to public health, to State Parks, and a
17 wildlife refuge, and the health and vitality of the
18 impacted community surrounding the river. There have been
19 376 sewage spills to date. And that does not account for
20 the last, I think, couple weeks.

21 Earlier this year, several public agencies filed
22 litigation against the United States International
23 Boundary and Water Commission. And the State Lands
24 Commission has also filed a motion to intervene. So we'll
25 continue to keep the public and the Commission updated on

1 our progress in that effort.

2 I also want to identify two significant items
3 again from -- to let the public know. For our first
4 meeting in 2019, which is looking to be scheduled in the
5 beginning of February, the Commission will be considering
6 an environmental impact report or the San Onofre Nuclear
7 Generating Station decommissioning units 2 and 3, as well
8 as our annual strategic plan update. So for anybody from
9 the audience or watching through our webcast, I did want
10 to identify that it -- we anticipate to have those two
11 agenda items on our first meeting in 2019.

12 And then finally, I just want to recognize a
13 couple of people. First, I'd like to recognize one of
14 our Division Chiefs Rosemary Mulligan, who is retiring at
15 the end of the year. Rosemary, who unfortunately is not
16 here today, started her career with the State in 1980, and
17 has been with the State Lands Commission since 2012.

18 In her role as Chief of the Information Services
19 Division, she has laid the foundation of the Commission's
20 strategic plan to cultivate operational excellence by
21 integrating technology. Under her guidance, the
22 Commission has made great strides in improving program
23 efficiencies. And some of these accomplishments include:

24 Improving engagement with line programs to
25 identify businesses needs and delivering on those needs;

1 shifting our computer environment from primarily desktop
2 to laptop, which has enabled greater in-office mobility as
3 well as teleworking; changing our old paper based staff
4 report routing and review process to a SharePoint
5 platform; establishing -- and this is the one I'm most
6 excited about -- establishing an enterprise GIS team that
7 has created multiple map viewers and is actually
8 foundational to most of the work that we do now; and also
9 equipping many of our meeting rooms with video
10 conferencing, upgrading our phone system, providing VPN to
11 better enable telework staff, and automating our Form 700
12 filing and personnel timekeeping systems.

13 All of this is very behind-the-scenes work, but
14 it has empowered staff to be much more efficient and
15 mobile, and be able for us to all do our work more
16 efficiently and effectively. Throughout her long career,
17 Rosemary has exemplified the meaning of hard work and
18 dedication. She has been a tremendous asset, not only to
19 the Commission, but also to the State and the people of
20 California.

21 Now, going into retirement, Rosemary plans to get
22 some well-deserved rest -- she is a self-described
23 workaholic -- spend more time with her family, and do some
24 traveling and hiking. And I just want to personally thank
25 Rosemary for all of her contributions and wish her the

1 very best in her retirement. This is very -- always a
2 very difficult time for us, because we're so happy for our
3 staff members going into the next phase of their lives of
4 retirement, but selfishly we're sad too, because we hate
5 to lose them.

6 And lastly, I also want to take this opportunity
7 to thank Lieutenant Governor Gavin Newsom, his chief of
8 staff, Rhys Williams, and his Environmental Scientist
9 Sloane Viola. This is obviously the Lieutenant Governor
10 and his staff's last meeting as a member of the State
11 Lands Commission as the Lieutenant Governor, Now
12 Governor-elect. It has been an absolute honor and
13 pleasure to work with Governor-elect Newsom, and
14 particularly Rhys and Sloane.

15 Lieutenant Governor Newsom and his team hit the
16 ground running beginning at his first State Lands
17 Commission meeting in 2011 with the public's health and
18 safety as priority. He set the stage to include our Long
19 Beach oil and gas islands in our five-year facility audit
20 program, even though those islands are within the city's
21 direct jurisdiction; from there, this agency went on to
22 adopt its first ever strategic plan in its 80 year
23 history; facilitate and set the framework for the
24 responsible shutdown of Diablo Canyon Nuclear Power Plant
25 in San Luis Obispo County, and the CEMEX sand mining plant

1 in Marina.

2 Also, this Commission, through his leadership and
3 his participation facilitated the responsible shutdown of
4 Platform Holly and Rincon Island, once the operators filed
5 for bankruptcy. These are two major offshore oil and gas
6 operations off shore California. He was instrumental in
7 empowering staff in our Environmental Justice Policy,
8 update, workforce planning, public access at the San
9 Joaquin River, Martins Beach, Paradise Cove, and Hollister
10 Ranch. And also his work, and Sloane, and Rhys's work in
11 opposition to the federal government's plans for new
12 drilling in federal waters.

13 I could go on and on. With the leadership of
14 Lieutenant Governor Newsom, Controller Yee, and the
15 Department of Finance, this has been one of the most
16 complementary and progressive Commissions I've had the
17 honor to work for and I'm grateful for that.

18 I personally want to thank Lieutenant Governor
19 Newsom, Rhys, and Sloane for demanding that the agency up
20 its game and celebrate the important role this agency
21 plays in protecting public Lands and resources, empowering
22 staff to lean into issues, flex our muscles, and always
23 seek out ways to contribute to the overall goals and
24 vision of California as a leader in public health and
25 safety, environmental protection, and social equity and

1 environmental justice.

2 So thank you.

3 We also have some plaques for Sloane, and Rhys,
4 and the Lieutenant Governor. And I just again want to
5 thank you, Sloane, and Rhys, and Lieutenant Governor for
6 your work on the Commission.

7 And that concludes my report.

8 (Applause.)

9 CHAIRPERSON YEE: Let's go ahead and present the
10 plaque with the -- to Commissioner Viola.

11 (Thereupon pictures were taken.)

12 CHAIRPERSON YEE: Thank you, Jennifer, for the
13 Executive Officer's report.

14 Let me also just add my thanks and appreciation
15 to Lieutenant Governor Newsom for his leadership on this
16 Commission. You know, there are -- the Controller serves
17 on 70 different boards and commissions. This
18 Commission -- a three-member Commission is challenging
19 from the perspective that we don't -- I don't have the
20 opportunity to speak to my colleagues, except in public
21 session. And I just have been so pleasantly surprised
22 coming into these Commission meetings about how compatible
23 our perspectives are, and frankly how we take each -- each
24 of us take our responsibilities seriously with respect to
25 the stewardship responsibility over our public lands.

1 And so I want to just express my appreciation to
2 Lieutenant Governor Newsom, to Rhys Williams, to Sloane
3 Viola and for the tremendous work that we've been able to
4 get accomplished together. And I know that there will be
5 more to come. So thank you.

6 Sloane.

7 ACTING COMMISSIONER VIOLA: Just on behalf of the
8 Lieutenant Governor, we wish to extend so much gratitude
9 for all your kind words and all the great work that we've
10 put -- been able to do over the last -- last few years,
11 and also regrets that he can't be here in person, as well
12 as Rhys. So we're very -- just very at a loss for words
13 too. It's been -- it's been so great.

14 So thank you.

15 CHAIRPERSON YEE: Thank you.

16 Great. Thank you very much, Jennifer.

17 So the next order of business will be the
18 adoption of the consent calendar. And I believe we have
19 some items that are proposed for removal.

20 EXECUTIVE OFFICER LUCCHESI: Yes.

21 CHAIRPERSON YEE: Okay.

22 EXECUTIVE OFFICER LUCCHESI: Consent items 29,
23 32, 33, and 52, and regular item 78 are removed from the
24 agenda and will be considered at a later time.

25 Item 54 will is moved from the consent in the

1 informational agenda to the regular agenda.

2 CHAIRPERSON YEE: Great. Commissioners, any
3 other items you wish removed?

4 Okay. Seeing none. No other items. Is there a
5 motion to adopt the remainder of the consent calendar?

6 ACTING COMMISSIONER WONG-HERNANDEZ: Move
7 adoption of the remaining items.

8 CHAIRPERSON YEE: Okay. We have a motion by
9 Commissioner Wong-Hernandez. Seconded by Commissioner
10 Viola.

11 ACTING COMMISSIONER VIOLA: (Nods head.)

12 CHAIRPERSON YEE: Without objection, the consent
13 calendar as amended is adopted.

14 Great. Thank you. And let's see -- actually,
15 I'm sorry. Let me just go back. Are there any members of
16 the audience who -- I don't see any sign ups on -- okay.

17 All right.

18 EXECUTIVE OFFICER LUCCHESI: We took into
19 account --

20 CHAIRPERSON YEE: Yes.

21 EXECUTIVE OFFICER LUCCHESI: -- the public
22 comment slips that were provided to us, and -- in the
23 items that were removed, either completely from the agenda
24 or to the regular agenda.

25 CHAIRPERSON YEE: Great. Okay. Thank you very

1 much.

2 All right. Then our next order of business will
3 be the regular calendar. We will start with Item 74.
4 This is an informational presentation by Revell Coastal
5 LLC on its collaboration with the City of Imperial Beach
6 to develop an approach to sea level rise planning for the
7 City.

8 Good afternoon. Let me just welcome you, and if
9 you'll state your name for the record and proceed with
10 your presentation.

11 (Thereupon an overhead presentation was
12 presented as follows.)

13 DR. REVELL: Sure. My name is David Revell,
14 President and Chief Coastal Scientist with Revell Coastal.

15 I appreciate the opportunity to talk to you today
16 about a project that we started in 2015 and finishing
17 continuing work on with the City of Imperial Beach, the
18 Mayor, the new city council member, public works.
19 Environmental Director also here. Thank you, Jennifer.

20 So I wanted to just jump into. This is really
21 building on the State's sea level rise guidance and input,
22 and trying to take a scientific approach to informing
23 future policy. And this is very much a work-in-progress,
24 not just in Imperial Beach, but around the state.

25 --o0o--

1 DR. REVELL: Yes, it is.

2 Okay. There we go.

3 So I wanted to just highlight a couple things
4 about Imperial Beach. First of all, it is the southwest
5 most city in California, bordering the Mexican border. It
6 is surrounded by water on three sides, the north is San
7 Diego Bay, to the west the mighty Pacific Ocean, and to
8 south the Tijuana River National Estuarine Research
9 Reserve, and also the Tijuana River, which is the source
10 of a lot of toxic sludge that hopefully this Commission
11 can support the City of Imperial Beach, and the Port, and
12 others to try and address.

13 --o0o--

14 DR. REVELL: I also want to highlight that the
15 city also has used a lot of different tactics to deal with
16 coastal erosion and hazards already. The vulnerability
17 assessment we looked at evaluated four different types of
18 coastal hazards: Coastal erosion, coastal wave flooding,
19 tidal inundation, and nuisance flooding exacerbated during
20 high tides.

21 --o0o--

22 DR. REVELL: We used several different models
23 available from the Department of Defense and the U.S.
24 Geological Survey looking at these hazards. If you look
25 in the middle where there's coastal flooding, we evaluated

1 several different sea level rise scenarios. But two
2 meters of sea level rise, or about six and a half feet,
3 was the high one. And you can see that the Tijuana River
4 National Estuarine Research Reserve starts to connect to
5 Bay of San Diego through an old river channel.

6 All this modeling assumed that we didn't do
7 anything, no adaptation stretch -- steps were taken.

8 --o0o--

9 DR. REVELL: And so part of this process -- and
10 again, as I mentioned, there's been a lot of damages
11 historically for major El Niño events primarily.

12 --o0o--

13 DR. REVELL: We looked at multiple sectors within
14 the community focusing on land use, roads, transportation,
15 wastewater and stormwater, schools and parks, and
16 hazardous materials. During the study in 2015, the
17 highest King tide ever recorded in San Diego poured over
18 the bike path that surrounds San Diego Bay.

19 --o0o--

20 DR. REVELL: We evaluated all of the parcels and
21 structures in the city, and found that within two meters
22 of sea level rise and a 100-year wave event the potential
23 to inundate or impact 30 percent of all of the parcels in
24 the city was possible.

25 --o0o--

1 DR. REVELL: These amounted, after converting the
2 assessed parcel information into a fair market value,
3 showed that just the damages to private property alone
4 could reach \$169 million by -- with two meters of sea
5 level rise, with the vast majority of that associated to
6 the coastal erosion hazard.

7 --o0o--

8 DR. REVELL: Roads were potentially impacted.
9 Almost 40 percent of all of the roads, including the two
10 major ingress/egress and evacuation routes.

11 --o0o--

12 DR. REVELL: We also looked at the stormwater
13 impacts, assuming that as during high tide. Under
14 existing conditions, only one of the stormwater drainage
15 basins is impacted about less than 20 percent of the time.
16 But with two meters of sea level rise, we can see almost
17 everyone of the drainage basins influenced by almost 100
18 percent of the time. The city will not drain during a
19 rainfall event at high tide.

20 --o0o--

21 DR. REVELL: So the keys were really that
22 stormwater -- there was going to be a substantial decrease
23 in the future in stormwater capacity. Land use was
24 potentially impacted 30 percent of all the parcels and
25 buildings, 40 percent of all the roads, and identified

1 four vulnerable neighbors along the South Sea Coast Drive,
2 north of the pier in the Palm Avenue Carnation
3 Neighborhood, the Bayside Elementary School Neighborhood
4 bordering San Diego Bay, and then the Seaside Point
5 bordering the estuary.

6 --o0o--

7 DR. REVELL: But really we weren't just looking at
8 what could happen, but what we could do to reduce the
9 risk. And there's a lot of things that can be done.
10 There's projects. We can build something. We can build a
11 wall. We can nourish beaches or we could take policy
12 approaches to try and improve or avoid hazards. And they
13 fall into sort of the standard categories of do nothing,
14 protect in place, accommodate elevating properties or
15 foundations, or retreat.

16 --o0o--

17 DR. REVELL: We had a very rigorous community
18 engagement. And as soon as people started seeing the
19 results of the hazard and vulnerability assessment, they
20 began asking, well, what if? What if we do this or do
21 that? How much does it cost?

22 The homeowners are asking what's my house going
23 to be worth in 30 years? Communities asking what's my
24 beach going to look like in 30 years? And the politicians
25 are how do we make everybody happy?

1 (Laughter.)

2 --o0o--

3 DR. REVELL: So throughout this stakeholder
4 process, we identified five strategies to look at in a lot
5 more detail: Continued armoring of the entire shoreline,
6 managed retreat; or phased relocation; or getting out of
7 the way gracefully; business-as-usual sand nourishment, a
8 dynamic cobble and dune development program; or an
9 extension of the north groin and additional groins along
10 with sand nourishment.

11 And the way we evaluated these was one of the
12 more original innovative concepts applied here, we didn't
13 just take the cost of the adaptation construction and
14 maintenance. We looked at the damages to public property
15 and infrastructure, the damage to private property and
16 assets, but we also included the recreational benefits of
17 beach recreation primarily. We didn't include the surf
18 recreation in this one.

19 And we started to look at what the ecological
20 value of having dunes and a sandy beach. That proved to
21 be very controversial, not with the community but with
22 what number we were choosing to use for that value.

23 --o0o--

24 DR. REVELL: With any adaptation strategy,
25 there's substantial secondary impacts, construction,

1 escalating maintenance costs, impacts to ecology, impacts
2 to recreation, changes in views, changes in shoreline
3 esthetics. I think this Commission and others know that
4 seawalls and coastal revetments destroy beaches. There's
5 never been a beach saved by a revetment or a seawall.

6 And often the views that the homeowners don't
7 want a sand dune in front of are lost when they have to
8 build a high revetment feature anyway.

9 --o0o--

10 DR. REVELL: So we looked at coastal armoring.
11 And each one of these sort of shows the evolution of the
12 adaptation strategy through time. We divided each one of
13 these into the bar across the top, which we tracked in
14 some physical modeling looking at the changes in widths
15 across the beach. And each one of the -- and then we
16 assigned the recreational value ecosystem value to those
17 widths through time.

18 What we found when you armor the coast is that
19 the dry sand beaches disappear completely between 2050 and
20 2075. And only damp sand beaches, those exposed during
21 low tides, would be around from 2035 to 2065.

22 --o0o--

23 DR. REVELL: We see what has happened in the past
24 in Imperial Beach, when there's a loss of sand from the
25 beach following a major erosion event, exposing revetments

1 and seawalls, and creating really difficult and unsafe
2 lateral and vertical beach access.

3 --o0o--

4 DR. REVELL: We then looked at manage retreat,
5 sort of the opposite in members in the adaptation
6 spectrum, allowing erosion. We looked at several
7 different implementation options. But removing the
8 structure, armoring, and then when properties and
9 structures were damaged to remove them.

10 The key finding is that we kept the beach, but we
11 lost or damaged development and infrastructure up to three
12 parcels inlet.

13 --o0o--

14 DR. REVELL: Sand nourishment, we found it would
15 be required between nine and 11 times to get us to 2,100
16 or two meters of sea level rise and maintain a beach
17 width. And the nourishment cycle, which goes from about
18 15 years today would end up about five years -- every five
19 years having to do it.

20 --o0o--

21 DR. REVELL: This is an example of a 2013 beach
22 nourishment that we sort of modeled it after. You can see
23 the much narrower beach to the south, bottom of the photo,
24 and to the north on Coronado.

25 --o0o--

1 DR. REVELL: Then we looked at this natural
2 hybrid dune taking into account the historic ecology and
3 function of the beach before. This included elements of a
4 beach nourishment, cobble nourishment, removal of the
5 revetments in a dune restoration. We found that we could
6 accommodate two meters of sea level rise with eight
7 reconstruction cycles through 2100.

8 --o0o--

9 DR. REVELL: We looked also at the sand retention
10 with groins completing an original Army Corps of Engineers
11 project with expanded groins. And we found that the
12 sand -- the groins retained the sand much longer. And so
13 we were only looking at potentially six to seven
14 nourishment cycles by 2100.

15 --o0o--

16 DR. REVELL: If you put this all together, you
17 can see the blue is sort of a half a meter, red being one
18 meter, and the green being two meters, the long term, the
19 best net benefit over two meters of sea level rise was
20 managed retreat by quite a bit. The groins seemed to be
21 much more effective over time.

22 --o0o--

23 DR. REVELL: And if we look at that -- you know,
24 and there was some challenges. And I want to go back
25 here. Dunes and nourishment did not show up very well,

1 because there was a lot of controversy in evaluating beach
2 ecology. Beaches and dunes provide critical ecosystem
3 services and function, water quality filtration, a variety
4 of recreation and storm reduction benefits that is largely
5 unvalued today, and so -- because it's hard to do.

6 And so, by default, by not including it in the
7 calculation, we come up with a value of zero, which we all
8 know is wrong. The stewardship of these coastal resources
9 need to include ecological evaluation. And once we do a
10 better job of doing that and identify some acceptable
11 numbers and metrics that we can use, restoration and
12 managed retreat dune, and living shorelines approaches
13 take up -- may become much more -- make much more sense.

14 --o0o--

15 DR. REVELL: So the adaptation findings found
16 that the armoring leads to the loss of beach recreation
17 ecological value.

18 Where did that one go?

19 Somebody over there has a button.

20 The dunes and nourishment really had high
21 long-term costs. And that's due to increasing costs to
22 move sand, fuel costs, and shorter construction cycles
23 over time. But there was more information and analysis
24 possible. We can -- we haven't considered the use of the
25 sediment coming down the Tijuana River as a likely natural

1 source of sediment.

2 A lot of it was dredged and brought in. And if
3 we better include the ecological values, then I think --
4 and other recreational uses, I think we're going to see
5 the dunes and nourishment also becomes a little more cost
6 effective through time. But in the short term, armoring
7 and groins are about even, but armoring -- since most of
8 the urban part is already armored, there's no -- the
9 expense to construct has already been realized.

10 Over the medium term, managed retreat and groins
11 have the similar net benefits. But over the long run,
12 managed retreat had the highest net benefits. And that's
13 consistent with similar work I've been involved with in
14 central and Northern California, especially after we see
15 over one meter of sea level rise.

16 --o0o--

17 DR. REVELL: Now, there's many ways to implement
18 managed retreat. Currently, there haven't been a lot of
19 managed in retreat. And people -- Americans don't really
20 like to retreat. And the idea of an emergency evacuation
21 is not retreat either.

22 Homeowners are really scared. We had some
23 amazing turnout for public meetings on this throughout.
24 And the first ones were very educational infor --
25 informative to the community. And as the understanding of

1 what the options are, homeowners have gotten a little bit
2 more scared and engaged. There's a lot of uncertainty,
3 not only about climate change but about property rights,
4 what we can and can't do.

5 --o0o--

6 DR. REVELL: We did look at a lease buyback
7 program as one form of a policy implementing mechanism
8 that shows a lot of promise. And what we did there was
9 when we -- that with a proper -- we basically said if we
10 were to implement a fee simple acquisition, purchase the
11 properties, we rent them back at a fair rental market
12 value, that we could recover that investment in about 30
13 years, the same as a mortgage, leaving the public
14 ownership to be able to additionally remove when it became
15 a nuisance or have further decision-making authority over
16 what happens.

17 Now as interest rates have risen recently, the
18 payback period becomes a bit longer. But there are ways
19 to implement this still to be very cost effective. If
20 we -- if a nonprofit or local jurisdiction, much like the
21 church purchases lands, or the university purchases lands,
22 they're tax exempt. That tax exemption reduces the time
23 in which we realize this investment. We could work with
24 the transfer development rights to offset some of those
25 losses from the homeowners. There could be some public

1 identify in these triggers and thresholds a time where we
2 see -- we start, through an observable monitoring network,
3 say it's how many times does Seacoast Drive get wet during
4 storm events? Let's say it's five times a year today and
5 it gets up to 30. At that point, we need to start
6 planning to do something else, considering the lead time
7 that it may take to purchase, acquire, permit, finance,
8 and implement any type of solution.

9 We're going to do this through time, where some
10 strategies are going to be effective for six inches of sea
11 level rise, some are going to be effective for six feet of
12 sea level rise. And we really need to start thinking
13 about those lead times for different strategies, and the
14 ability to accommodate various elevations of future sea
15 level rise.

16 --o0o--

17 DR. REVELL: So we're working -- the city is
18 starting to work on identifying those triggers, and
19 observable monitoring. It's not just sea level rise
20 elevation, but the rate of sea level raise is also really
21 important to consider. Development of opportunistic
22 sediment management program is crucial to start linking
23 our sand sheds and sediment up -- in the upland sources to
24 the coast, and to the beaches, and into our wetlands.

25 We need to clean up what's going into those

1 sediments first before we can really work with that
2 sediment, both trash and pollutants attached to the
3 sediments. Updating hazard mitigation plans is another
4 way to look at what happens when with giant natural
5 disaster eraser comes out? We don't just get back to we
6 will rebuild in the same place and expect a different
7 answer. We need to start pre-visioning what our
8 communities want to look like in the future.

9 And then we need to link adaptation strategies to
10 economic development projects, creating new opportunities
11 for recreation, ecotourism, things that are going to
12 sustain the community and its natural environment.

13 --o0o--

14 DR. REVELL: And then -- so no city in California
15 can adapt to climate change alone. We need local, State,
16 regional, and national, and international partners. The
17 State though can really help support the local
18 municipalities and counties by providing sort of some
19 blanket or firm guidance on how to do things. I encourage
20 the State, working with other State agencies, to go beyond
21 just guidance.

22 --o0o--

23 DR. REVELL: I've been thinking a lot about how
24 the State Lands Commission can help directly. The first
25 would be the development of an in-lieu fee program, where

1 for any structures that extend beyond mean high water,
2 that we start charging them rent. That rent can go into
3 supporting future adaptation, coastal resources.

4 There should be a bond for maintenance and
5 removal of any nuisance armoring structures. I think we
6 need additional facilitation on sediment management, not
7 just sand, but all types of sediment. Sediment is
8 nature's adaptation resource. We need to bring more
9 cobbles to the coast following massive debris flows. We
10 need muds from upper watersheds to reach our wetlands, and
11 we need the sands to get to the beach.

12 The mean high water is also a controversial
13 issue. Hollister is a great example, Martins Beach has
14 been a good example. That very seasonally. And right
15 now, the boundary surveys are only good for six months.
16 SO if we survey it in the spring, and, you know, it gets
17 delayed a couple times, they have to do another one, which
18 is in the fall.

19 I think it should be a standardized boundary
20 survey that's ideally in the spring, which is when the
21 beaches reach their mid -- minimum sediment levels, and
22 create the high -- most inland location mean high water,
23 most protective of Public Trust resources at the coast.

24 I think we also have a challenge of what
25 constitutes damage and exposure of tidal inundation proper

1 -- properties. There is no building official who will
2 show up with a red tag when you start to get routine high
3 tide flooding.

4 But we need to start clarifying when that becomes
5 an impact, and when that -- to manage expectations in the
6 future of both the public and private sectors.

7 I think we really need to continue to encourage
8 more innovative adaptation approaches with monitoring, so
9 we can learn the oyster -- living shoreline oyster reef
10 type projects, the sand dune type projects. I think we
11 really need to be a little less risk averse to trying some
12 pilot projects, learning from our mistakes, and then using
13 those to inform the next generation of adaptation
14 strategies.

15 And finally, I'm going to close with I really
16 hope that the State Lands Commission can really
17 participate actively with the -- on the Tijuana River
18 pollution issue.

19 So that's all that I had, but I'm happy to be --
20 well, I have to acknowledge a whole host of other people
21 who have been involved in this.

22 --o0o--

23 DR. REVELL: And happy to take questions.

24 CHAIRPERSON YEE: Great. Thank you very much for
25 the presentation. Any comments from Commissioners at this

1 time?

2 Okay. Let me -- we do have a couple other
3 speakers. Let me call them up and then I'm going to ask
4 you to come back. I've got some questions, if we can.

5 DR. REVELL: Sure.

6 CHAIRPERSON YEE: I think we have our Mayor of
7 Imperial Beach, please come forward.

8 IMPERIAL BEACH MAYOR DEDINA: Thank you very
9 much. Surge Dedina, Mayor of Imperial Beach. I want to
10 thank Dr. Revell for that excellent presentation, and the
11 State Lands Commission for requesting that we consider
12 this topic

13 First, thank you for the motion to consider
14 joint -- or the motion to join the lawsuit against the
15 International Boundary and Water Commission of the illegal
16 water. Part of our adaptation strategy in the last slide
17 that you saw showed the south end of our beach flooded
18 with water. It doesn't help with -- when 100 million
19 gallons of sewage polluted water are discharged into the
20 Tijuana River.

21 So what happens when you get high tides and big
22 surf, you get the storm surge pushing in from the ocean,
23 and then you get the river flowing with up to 100 million
24 gallons of sewage polluted water. So they're adding more
25 sewage -- raw sewage is going into the river. It's not

1 just runoff.

2 And so then you get -- you know, we're getting
3 more flooding. So that lawsuit is just asking for the
4 International Boundary and Water Commission to put in
5 stormwater infrastructure into the river valley, so we
6 don't have toxic waste, and garbage, and sewage run
7 unabated into the Tijuana estuary and into our ocean, as
8 it is now.

9 So right now, we have flood flows that are
10 happening not because of the rains. But because there was
11 rain, they opened the sewage plants basically to stop a
12 pump station. And they're discharging up to 30 million
13 gallons a day of raw sewage into the river, so it just
14 keeps flowing. So it can go from 30 million gallons, to
15 100 million gallons, to 150 million gallons. So that can
16 happen for weeks at a time.

17 Number two, the City of Imperial Beach, because
18 we have no money -- literally zero. We have no money at
19 all. We're the lowest income coastal beach city in
20 Southern California, 25 percent poverty rate for our
21 residents. Not something I'm proud of. Thirty percent
22 poverty rate for kids. We have no money to implement the
23 strategy. That's why we filed a law against 35 of the
24 world's largest fossil fuel companies in partnership with
25 Richmond, Santa Cruz, San Mateo, and San -- Marin

1 counties.

2 We would urge the State Lands Commission to talk
3 to Governor-elect Newsom, as well as the Attorney General
4 to join Rhode Island in filing a lawsuit against fossil
5 fuel companies for causing climate change. I think
6 California obviously is one of the most climate-affected
7 states or regions in the world. It is going to be facing
8 what happened in Malibu recently, where the LA Times this
9 morning talked about over \$1.5 billion in losses just from
10 the recent fires.

11 So we need help in addressing these issues. I
12 think Dr. Revell gave you some excellent suggestions on
13 policy. But I would argue that the most effective policy
14 California could do would be to join those -- these
15 climate lawsuits to make sure that these fossil fuel
16 companies are paying for the cause -- for the damage
17 they've caused in cities like IB that literally have no
18 money to implement this sophisticated strategy that Dr.
19 Revell has outlined can get some help.

20 But in that, I -- and we shouldn't -- small
21 cities like Imperial Beach shouldn't be implementing a sea
22 level rise strategy and climate adaptation policy on our
23 own. We definitely need help. And I think that help on
24 the guidance on how we frame this and how we communicate
25 it, frankly I'm being asked to implement policy for 100

1 years.

2 No elected official in their right mind can
3 implement policy for 100 years. I mean, we're trying, but
4 it's pretty complicated. And frankly, the way things are
5 goings nationally, and a subset of my community is -- you
6 know communicates -- or is receiving the communication
7 from the White House, as far as they're concerned, managed
8 retreat is communism. It is -- it's going to be slavery
9 and communism. And as far as they're concerned, I'm
10 personally going to be destroying the entire city.

11 We're not sure how that's going to happen, but
12 that's the way that things are framed nowadays. And I
13 think all have to -- it's kind of funny, but it's actually
14 not. And so whether it's Del Mar, or Imperial Beach, or
15 Malibu, or Long Beach, or L.A., or San Diego, we need to
16 get -- we need to get consistency and some guidance on how
17 we frame this and discuss it, so everybody isn't just
18 making it up, so anyway.

19 But I want to thank this Commission again for the
20 Tijuana lawsuit -- River lawsuit motion, and then more
21 importantly again for addressing this issue.

22 Thank you.

23 CHAIRPERSON YEE: Thank you, Mayor. Do you
24 mind -- I have a couple questions of Mr. Revell --

25 IMPERIAL BEACH MAYOR DEDINA: Okay.

1 CHAIRPERSON YEE: -- if you could come back.

2 So this has been --

3 IMPERIAL BEACH MAYOR DEDINA: To me or to --

4 CHAIRPERSON YEE: Actually to both of You. And I
5 appreciate the -- your comments about needing assistance
6 to prepare. Obviously capacity is low for a city like
7 Imperial Beach. But, I mean, I really find this
8 fascinating, because it really needs to start with, you
9 know, obviously the information that you know best about
10 your communities and your city.

11 But one of the questions I had -- was struck by
12 was, you know, a lot of ideas about how to implement
13 managed retreat. But I don't know that I heard anything
14 about, you know, renters or low-income communities, or
15 disadvantaged communities. And kind of how they're
16 involved, how they're being, you know, kind of regarded
17 and --

18 IMPERIAL BEACH MAYOR DEDINA: Yeah. Well, it's
19 interesting. Our bay front -- if you look at our bay
20 front, some of our lowest income areas are -- in our
21 bayfront. That area is managed by the Fish and Wildlife
22 Service and the Port of San Diego, which is interesting
23 though. We've done a lot of adaptation work there, but
24 definitely those neighborhoods will be affecting.

25 And so we're doing some pretty interesting

1 mitigation and adaptation work with the Port Commission
2 and the City of San Diego. Eight acres of a tidal flat
3 that we turned into salt marshes as mitigation -- through
4 the mitigation bank. And the funds from that mitigation
5 bank will be used to further -- can further fund more
6 adaptation work.

7 So it's an interesting area, but -- and that's
8 when we -- we tried to talk to the community in this
9 meeting we just had, where 150 angry people were screaming
10 at us. And we've all been in meetings like that. That's
11 the job.

12 But to really emphasize that our focus is on
13 public infrastructure. And in these neighborhoods we have
14 schools, you know, where most of the live in poverty. So
15 that's really our focus is public infrastructure. And
16 more importantly, our biggest recreational asset for
17 our -- most of our disadvantaged communities is the beach.

18 And so to understand that ultimately our focus
19 are public -- are public infrastructure and public
20 beaches, and that's what we're going to focus on. At the
21 end of the day, we can't protect the homeowners at all.
22 You know, we have to be honest about saying that, and that
23 when we do these adaptation strategies, that's going to be
24 our focus.

25 CHAIRPERSON YEE: Okay. And then you mentioned

1 this, but does the city have an infrastructure plan, in
2 terms of just for your basic infrastructure, roads, and
3 stormwater facilities, outfalls, that kind of thing, where
4 this work that you're doing, relative to sea level rise,
5 is actually being kind of pushed up against it?

6 IMPERIAL BEACH MAYOR DEDINA: So the question is
7 if we're doing -- incorporating that into our LCP update?

8 CHAIRPERSON YEE: Yeah. Does the city have an
9 infrastructure plan of its own.

10 IMPERIAL BEACH MAYOR DEDINA: Yeah, well that's
11 part of the planning process, absolutely.

12 CHAIRPERSON YEE: Okay.

13 IMPERIAL BEACH MAYOR DEDINA: Yeah, I mean, it's
14 pretty daunting. That's why the lawsuit is happening,
15 because, you know, Dr. Revell outlined these costs. And
16 we're like -- literally, I mean, the first thing I did
17 when I got elected four years ago was we had an ambitious
18 program to pave alleys. A lot of our alleys in our city
19 weren't paved. So low income folks were living in the
20 back of alleys.

21 You know, that's -- that's our focus is literally
22 painting cross walks on our local formal or State highway.
23 We're at such a low level of infrastructure anyway, this
24 burden of sea level rise that we're going to
25 disproportionately have to pay for, it's not something we

1 can begin to address.

2 And so, you know, politically, I'm trying to
3 build infrastructure for our low-income kids and make sure
4 they can ride their bikes to school without getting run
5 over by a car, and in areas where basically we had little
6 infrastructure and then -- or safe route to school
7 infrastructure.

8 At the same time, I'm trying to placate folks on
9 the beach making sure they know that I don't have \$4
10 billion to do managed retreat.

11 CHAIRPERSON YEE: Um-hmm.

12 IMPERIAL BEACH MAYOR DEDINA: And so that's
13 the -- I think that's what most of us are facing, right?
14 The reality of managing a city. And number two, the
15 reality of then this forecast cost over 100 years.

16 CHAIRPERSON YEE: Right. Right. Okay. And then
17 I'm curious about data. So obviously this takes a lot
18 of -- a lot into consideration in terms of data that
19 you've pulled from all different sources?

20 IMPERIAL BEACH MAYOR DEDINA: This is the data
21 guy right here.

22 CHAIRPERSON YEE: And I'm -- so the question is
23 can additional understanding of geomorphological factors
24 or coastal processes inform adaptation and is that data
25 there, where do you get it? I mean, that's -- and this is

1 something that is going to be a question I'll have
2 throughout the State.

3 DR. REVELL: Yeah, I mean, the monitoring data is
4 always necessary. There's a lot of -- I mean, all models
5 are wrong, some of them are useful. The better the data
6 that we have that can to test whether the models work, how
7 the coast responds to a major storm event, how sediment
8 moves through the system? All of those are questions
9 that still have a lot of uncertainty.

10 And so continuation of tide stations is a
11 critical component, understanding of beach profiles and
12 how the beach responds to a major storm event, pre- and
13 post-disaster, between spring and fall. Those are data
14 sets we don't really have systematically throughout the
15 State.

16 CHAIRPERSON YEE: Um-hmm. Okay.

17 DR. REVELL: And one other data point is we don't
18 record -- we need to develop some standard metrics. How
19 many times does the road get overtopped in a certain
20 place? How much damage is caused during a major storm to
21 those oceanfront property owners? Do we see a change in
22 there, you know, flood insurance rates from the damages?

23 CHAIRPERSON YEE: All right. Okay. Thank you.

24 The reason I ask that question is I think
25 throughout this whole process I've got to think that we're

1 going to be developing an inventory of just where we've
2 got gaps in data, because, you know, this is, as you say,
3 some of it's kind of a moving target, some of it's just
4 not consistent, some of it may not even be readily
5 available, so -- but I think through your work, to the
6 extent you can highlight, you know, what some of those
7 things are, I think that would be very helpful.

8 I know the Mayor had asked for what would be
9 helpful going forward. And let me just reiterate that sea
10 level rise is a priority issue for this Commission, as you
11 know. We're committing to continue to be involved in the
12 policy development, as it relates to sea level rise, not
13 only before this Commission, but certainly with the Ocean
14 Protection Council and the Coastal Commission.

15 And you're ahead of the game. Next year, you
16 know, this Commission will be reviewing the sea level rise
17 plans being submitted by ports and other jurisdictions.
18 And, you know, we have budget support to help us conduct a
19 thorough review. But what I can say is that likely we
20 will be providing further guidance after just analyzing
21 what we do get.

22 And so in answer to your question, Mayor, about,
23 you know, what you need, just guidance is absolutely
24 critical. You're going to get more of it, I'm sure of it,
25 going forward. But, you know, some of the monetary kinds

1 of things I want to just be mindful of, too, because
2 obviously capacity is a big issue across different
3 jurisdictions.

4 So my last question relates to kind of more
5 natural coastal habitats that can provide non-monetized
6 benefits, and why these ecosystem services are so hard to
7 value. I mean, what's kind of your sense of how we ought
8 to look at those?

9 DR. REVELL: It's kind of -- when you think about
10 endangered species, how much is one salmon worth? Is it
11 \$20 a pound at the grocery store or is it all of the
12 things that keeps it in shape. It's really hard within --
13 to identify -- it's really to hard replace ecosystems when
14 we don't know how they work all the way.

15 And a lot of the economic tools that we have are
16 replacement costs. How much does it cost to put more sand
17 to build a beach back up? That doesn't bring back kelp.
18 It doesn't bring back the beach invertebrates that filter
19 water, and eat the kelp, and feed the shorebirds, which in
20 turn feed.

21 You know, there's so many linkages. And what
22 we've relied on that we, say, well, we don't know what the
23 exact number is. So let's look at a range. You know,
24 it's not zero. And we do all kinds of calculations, but
25 we don't have a lot of data on the number or value of each

1 steps in those food webs.

2 CHAIRPERSON YEE: Um-hmm.

3 DR. REVELL: What's the water quality impact of
4 filtering water -- rain water through the beach before it
5 gets to the ocean. Well, that's completely massive when
6 we have 100 million gallons of sewage coming down the
7 river. So it's really hard to value some of these things.
8 And the team that I've worked with to try and do that, and
9 several folks working in the State, every time we put a
10 number out there, we hear it's too high and too low from
11 everybody.

12 And if we had some guidance of -- you know, so
13 what we've started to do is more a sensitivity, like it's
14 between 10 and 100, and anything over 20 really makes a
15 difference. And to sort of show what results are robust
16 and what aren't.

17 CHAIRPERSON YEE: Um-hmm.

18 DR. REVELL: But I think some guidance and some
19 additional research around those pieces would be
20 tremendous.

21 CHAIRPERSON YEE: Okay. Good. Thank you.

22 Questions, Commissioners?

23 Okay. Thank you. We've got one more speaker on
24 this item.

25 Oh, I'm sorry, Jennifer.

1 EXECUTIVE OFFICER LUCCHESI: I was just going to
2 remind you we have one more speaker.

3 CHAIRPERSON YEE: Okay. Yeah, I didn't want to
4 kind of lose the thought about everything that you and the
5 Mayor had presented.

6 We have one other speaker on this item. Mandy
7 Sackett with Surfrider.

8 Good afternoon, Mandy.

9 MS. SACKETT: Hi. Mandy Sackett, Surfrider
10 Foundation. I wasn't planning on chiming in on this, so
11 forgive. It's a little rough. But just was compelled to
12 speak today. I just wanted to commend -- commend Dr.
13 Revell -- excuse me, Dr. Revell and Mayor Dedina for their
14 presentation and comments, and especially the example
15 setting proactive ways in which Imperial Beach is working
16 to adapt to climate change.

17 At Surfrider, we talk about saving the coast all
18 the time. And when it comes to sea level rise, we are
19 literally trying to save it. Both Dr. Revell and Mayor
20 Dedina have provided concrete actions that the States
21 Lands Commission can take, not just in IB but the State as
22 a whole. And every study that comes out alerts us to how
23 far behind we are in planning for climate change
24 adaptation. And we -- we really do need all the help that
25 we can get, if we're going to be saving our beaches into

1 the future.

2 And we will need our beaches even more than ever
3 in the future, not just for our economy, but as a place
4 for people to go as inland temperatures continue to rise.
5 The future depends on the State's leadership now. And we
6 ask you to request staff summarize the recommendations
7 made and respond to the -- how -- as to how the Commission
8 will engage with them as asked.

9 And as you can see also by the presentations made
10 here today, local governments do have their work cut out
11 for them. This is -- there is so much uncertainty and
12 misinformation out there about adaptation, especially
13 regarding managed retreat. And I'd just like to implore
14 the Lands Commission to do what they can to support local
15 governments.

16 We need an outreach campaign to help education --
17 excuse me -- to help with educating the public about sea
18 level rise and the impacts of coastal armoring. And this
19 will help provide cover for local governments facing
20 significant pushback from beachfront and blufftop
21 homeowners.

22 And really do hope that this State can start
23 working on creative solutions for logistics and financing
24 for the most cost effective solutions, and going beyond
25 just broad policy guidance.

1 And finally, given that climate change is
2 forecast to impact the most vulnerable among us, this is a
3 perfect opportunity for the State to put into practice the
4 principles outlined in the new Environmental Justice
5 Policy. And we strongly support you to support such
6 efforts.

7 Thank you so much.

8 CHAIRPERSON YEE: Thank you, Mandy, very much.

9 All right. Other questions or comments?

10 Okay. Ms. Lucchesi, anything?

11 EXECUTIVE OFFICER LUCCHESI: No.

12 CHAIRPERSON YEE: Great. Really appreciate the
13 presentation, Mayor and Mr. -- and Dr. Revell. Thank you.

14 All right. Commissioners, our next item is Item
15 75. And this is relating to adoption of a new
16 Environmental Justice Policy. And implementation
17 blueprint. And we have a staff presentation.

18 Good afternoon, Sheri.

19 (Thereupon an overhead presentation was
20 presented as follows.

21 EXTERNAL AFFAIRS AND LEGISLATIVE LIAISON CHIEF

22 PEMBERTON: Thank you.

23 I have a PowerPoint, I hope.

24 Okay. Great.

25 Thank you. I'll go back.

1 So I just -- I wanted to just start off by saying
2 how grateful I am for the opportunity to work on this
3 policy development over this past year, and how personally
4 rewarding it's been to me and to our staff. And just
5 before I present the final policy, I also wanted to
6 recognize the team of staff at the Commission who've
7 worked together to do the outreach that is the basis for
8 the policy, and develop the policy, and the implementation
9 blueprint, because it really was a team -- a team effort.

10 And so just really briefly, Brian Bugsch, Lucien
11 Pino, and Kelly Connor in our Land Management Division.
12 Alexandra Borack, Afifa Awan, and Laura Miller in our
13 Environmental Management and Planning Division. And Jamie
14 Garrett and Emma Kennedy in on our Legal Division, as well
15 as a couple of our past Sea Grant Fellows. So I just want
16 to give them so much credit and thanks for all their work
17 on this over this past year.

18 --o0o--

19 EXTERNAL AFFAIRS AND LEGISLATIVE LIAISON CHIEF

20 PEMBERTON: So we -- as the staff report and the policy I
21 think shows, that we envision a future where all of
22 Cali -- everyone in California has access to and can enjoy
23 the benefits of public lands and natural resources, and
24 environmental justice communities are not as disadvantaged
25 or disproportionately impacted by pollution and

1 environmental hazards. And the purpose of our policy is
2 to advance that vision.

3 --o0o--

4 EXTERNAL AFFAIRS AND LEGISLATIVE LIAISON CHIEF

5 PEMBERTON: With help from our team and based on the
6 outreach, we put together 12 core goals that form the
7 framework for the policy. And those are listed on this --
8 on this slide. And then we've also built out steps in our
9 implementation blueprint for how we propose to achieve
10 those over this past year.

11 And following the implementation blueprint, we
12 plan to develop a more detailed plan that will guide our
13 work as we -- as we move forward.

14 --o0o--

15 EXTERNAL AFFAIRS AND LEGISLATIVE LIAISON CHIEF

16 PEMBERTON: Over this last year, we've done a lot of
17 different work to kind of do the framework and foundation
18 for developing the policy, and also developing
19 relationships in different communities, and connections
20 that we hope will sustain implementation of the policy.

21 We created a listserve of environmental justice
22 organizations and interested community members. And we've
23 added to that list after each outreach session. And we've
24 created an environmental justice website page and a
25 dedicated email address that we use for comments and other

1 communications.

2 We also had several staff internal sessions where
3 we talked about why environmental justice is important,
4 and what it means, and how it relates to our work. We
5 also, as a staff this past year, participated with other
6 agencies in the Government Alliance on Race and Equity
7 centered around developing a racial equity plan and
8 furthering our knowledge and awareness about racial
9 equity. And I think that really complements the work on
10 environmental justice, and together is setting us up for,
11 for we hope, success.

12 --o0o--

13 EXTERNAL AFFAIRS AND LEGISLATIVE LIAISON CHIEF

14 PEMBERTON: So with our new policy, we have -- what we
15 talk about is a cultural shift at the individual level,
16 management level, and Commission level in all three areas
17 things that we can do as individuals to promote
18 environmental justice and equity, and how we'll -- how
19 we'll do that, and collaborate as we -- as we approach our
20 work.

21 --o0o--

22 EXTERNAL AFFAIRS AND LEGISLATIVE LIAISON CHIEF

23 PEMBERTON: We've talked a lot about -- or I've talked a
24 lot about outreach. And over this last year, we've tried
25 to get out around the state and go into communities where

1 people are impacted by pollution or industry, and hear
2 from people, and hear their ideas. And this is just a
3 synopsis of some of the core outreach that we've done.

4 And we're incredibly grateful to everyone who
5 came out and met with us, and suggested ideas, and talked
6 about their experiences. And that really, really helped
7 to, I think, develop a policy that we think is responsive
8 to concerns from communities.

9 --o0o--

10 EXTERNAL AFFAIRS AND LEGISLATIVE LIAISON CHIEF

11 PEMBERTON: And this is just an overview of our timeline
12 and our outreach efforts in the last few years. And as
13 you can see, our existing policy was adopted back in --
14 well, maybe as you can't see, but I just wanted to mention
15 back in 2002 we first developed a policy. But this is
16 kind of in between. We've done all this outreach and
17 steps over this past -- over this past year.

18 We've also produced two draft policies and
19 circulated those for comments. And then we've reviewed
20 the comments and updated the policy to incorporate the
21 feedback. And we think those are reflected in the final
22 policy.

23 So looking ahead into 2019, our goals
24 implementation, developing the implementation plan, and
25 hopefully obtaining a liaison on environmental justice,

1 and continuing to do outreach, and build trust, and all of
2 that work that we've been doing, and we're eager to
3 continue doing.

4 --o0o--

5 EXTERNAL AFFAIRS AND LEGISLATIVE LIAISON CHIEF

6 PEMBERTON: Earlier this year, as we set out to develop
7 our policy, there was a group of eight environmental
8 justice organizations that formed an environmental justice
9 working group. And they're kind of tiny on this slide.
10 But these groups all gave their time, and effort, and
11 energy to help us, as staff, and as a Commission develop
12 the best policy that we could. And we're incredibly
13 grateful full their recommendations as well, and for their
14 collaboration, and look forward to collaborating with them
15 as we move forward.

16 --o0o--

17 EXTERNAL AFFAIRS AND LEGISLATIVE LIAISON CHIEF

18 PEMBERTON: And just to kind of wrap things up, I wanted
19 to highlight accountability, because there's a lot of, I
20 think, great things in the policy, but we really look
21 forward to like doing the work.

22 And in our first year, I think this is just a
23 synopsis of what we hope to do to -- to be accountable, to
24 look at whether the policy is working, and what we can do
25 to recalibrate or improve it, so that it works and is

1 our goals in the strategic plan. So very, very grateful
2 for that.

3 Thank you.

4 EXTERNAL AFFAIRS AND LEGISLATIVE LIAISON CHIEF
5 PEMBERTON: Thank you.

6 CHAIRPERSON YEE: Comments by Commissioners as
7 well?

8 Yes, Commissioner Wong-Hernandez.

9 ACTING COMMISSIONER WONG-HERNANDEZ: Thank you.
10 I'd like to echo Controller Yee's comments and also just
11 mention that I found it particularly helpful the
12 implementation blueprint pieces of it, because I think
13 that they're particularly thoughtful, and really focus on
14 continuing to hold ourselves accountable that this policy,
15 once the policy itself is created, isn't done. That the
16 work continues in every decision point and action going
17 forward, and in a way that's really easy to sort of check
18 back in on. And so I really appreciate the way that that
19 was written too.

20 EXTERNAL AFFAIRS AND LEGISLATIVE LIAISON CHIEF
21 PEMBERTON: Thank you.

22 CHAIRPERSON YEE: Absolutely.

23 Yes, Commissioner Viola.

24 ACTING COMMISSIONER VIOLA: We'd also like to
25 extend our gratitude to staff for the diligent work on

1 this project. I know it's been a long process, but it's
2 been worth it in every way to build these new
3 partnerships, and increase the visibility of the
4 Commission and our work. And so I'm really excited to see
5 how this is going to bring about a big cultural and
6 systemic change for the Commission and our work going
7 forward.

8 Thank you.

9 EXTERNAL AFFAIRS AND LEGISLATIVE LIAISON CHIEF

10 PEMBERTON: Thank you.

11 CHAIRPERSON YEE: Thank you. We have a number of
12 public speakers on this item. Let me call you up maybe
13 two a time. First, Mari Rose Taruc with the Environmental
14 Justice Working Group.

15 MS. ROSE TARUC: Can we go together?

16 CHAIRPERSON YEE: Of course, yeah. Why don't you
17 come up together, identify yourselves and -- yes, we would
18 love to have you come up together.

19 MS. AGUIRRE: Hi. My name is Paloma Aguirre.
20 And I'm the Coastal and Marine Director for WILDCOAST.

21 MS. ROSE TARUC: Good afternoon. I'm Mari Rose
22 Taruc. I was the coordinator for the Environmental
23 Justice Working Group.

24 CHAIRPERSON YEE: Thank you.

25 MR. FAZELI: Bahram Fazeli, Director of Research

1 and Policy at Communities for a Better Environment.

2 CHAIRPERSON YEE: Great. Thanks.

3 MS. AGUIRRE: So WILD COAST is an international
4 conservation team, as you know, that's based in Imperial
5 Beach that conserves coastal and marine ecosystems and
6 wildlife. And I'm here to thank the Commission for giving
7 WILD COAST and all of my colleagues the opportunity to have
8 participated throughout this process as part of the
9 Environmental Justice Working Group.

10 I encourage the Commission to continue to have an
11 open and meaningful engagement with EJ communities, EJ
12 stakeholders and groups, who work to address environmental
13 inequities, much like you've done so far.

14 I'm especially thankful to the Commission's
15 willingness to engage in the legal actions that you're
16 currently undertaking with Attorney General Becerra to
17 address cross-border pollution impacts to our communities
18 in Imperial Beach in South San Diego. I think this action
19 speaks volumes to the Commission's political will to
20 address some of these issues.

21 Unfortunately, there's still a lot to be done.
22 As the Commission has the capacity to require from lessees
23 that they clean up trash and sewage fouling our lands and
24 waters that are under your jurisdiction. I encourage you
25 to continue to look at this. I know I've mentioned this

1 many times before you, but it's a critical issue to us, as
2 you've heard before, especially now in the context of
3 climate change.

4 I would also like to applaud the Commission for
5 acknowledging the need to support opportunities to empower
6 tribes to protect, restore, and manage their ancestral
7 lands by returning management of certain lands to tribes
8 through less leases.

9 And finally, I applaud the Commission's
10 willingness to adopt a performance -- performance measures
11 to ensure marginalized, disadvantaged, and tribal
12 communities are benefited. We hope that this will be
13 achieved through this creation of an advisory committee
14 that interacts directly with some of these Commissions --
15 with some of these communities and the Commissioner, and
16 the creation of interagency land returns and tribal
17 advisory committee as well.

18 We strongly encourage the Commission to remain,
19 as I mentioned, open and willing to continue this
20 conversation, even beyond as you approve the Environmental
21 Justice Policy.

22 And I just want to thank you again for your
23 efforts and your leadership on this issue.

24 CHAIRPERSON YEE: Thank you very much.

25 Next speaker.

1 MR. FAZELI: Madam Chair, members of the
2 Commission. My name is Bahram Fazeli. I'm Director of
3 Research and Policy at Communities for a Better
4 Environment, a leading environmental health and justice
5 organization for the past 40 years. For the past year, I
6 have had the opportunity to work with the wonderful group
7 of environmental and social justice advocates as part of
8 the Environmental Justice Working Group. And we have
9 engaged with the State Lands staff around our
10 recommendations.

11 Additionally, with support from Resources Legacy
12 Fund, we have published a series of cases studies that
13 highlight both the positive experiences and serious
14 challenges you've had with agency and their approach to
15 the interests of low income communities of color.

16 I strongly urge you to look at those case studies
17 in our recommendations, as it presents a set of best
18 practices that applies, not only to the State Lands, but
19 also to many other agencies across the state that are
20 entrusted by the people of California to protect their
21 health, their communities, and their environments.

22 I'm very happy to see that staff is proposing a
23 very thoughtful Environmental Justice Policy based on
24 their engagement with us, and other members of
25 environmental justice community. And we are prepared to

1 work with staff to make sure these proposals transform the
2 culture of the agency and every aspect of its operation
3 from the way they analyze cumulative health impacts to the
4 way they engage with members of native communities, how
5 aggressively they seek alternatives to fossil fuel
6 operations, and how proactively they place equity at the
7 center of every decision they make.

8 It is extremely important that the agency's
9 performance be evaluated by an independent external
10 evaluator annually. And we ask you to support allocation
11 of these resources for staff, so that every year we can
12 examine the performance of the agency objectively against
13 a set of clear metrics, and based on input from EJ
14 communities.

15 And again, we -- I congratulate and appreciate
16 the work of staff on this proposal, and urge your
17 approval.

18 Thank you.

19 CHAIRPERSON YEE: Thank you very much.

20 MS. ROSE TARUC: Good afternoon.

21 I also am here to commend the work of the
22 Commission and the staff on this new Environmental Justice
23 Policy. I think that the leadership from the
24 Commissioners, the open stance of the staff, and then the
25 commitment of the environmental justice groups really like

1 brought together a nice sweet spot for this new
2 Environmental Justice Policy to be fruitful.

3 For me, there are three particular implementation
4 suggestions that I -- that I have, and that are
5 opportunities.

6 It was wonderful to see a stated commitment by
7 the Commission to decarbonize our economy through the
8 phase-down of fossil fuels. And I think even hearing, you
9 know, some of the accomplishments through Governor-elect
10 Newsom, and hearing the -- you know, the decommissioning
11 of oil platforms happen in the last few years, we want to
12 see more of those kinds of industrial cleanup decisions
13 and decarbonization of our -- of our economy, because
14 environmental justice for many decades has been talking
15 about the cleanup of our communities. And it flows really
16 well into our state's plans for -- for -- for climate
17 action.

18 I think also a note on the decarbonization is
19 that you look for opportunities not just for more affluent
20 coastal communities, but the communities that have been
21 harmed for a long time, that really need the support and
22 the public health actions that are part of what we see as
23 environmental justice, the places where polluting ports
24 are, where gas and nuclear plants are, and where oil
25 terminals are.

1 That those are communities that have borne the
2 burnt -- borne the impacts of these industries for decades
3 that need your help. So particularly to look at that.

4 Second is to recognize the original environmental
5 stewards of this land that they are still here, and that
6 even when the first Governor of California called for
7 their extermination, that we're glad that he wasn't
8 successful in that. And that there is still living and
9 thriving native communities in California, and for you to
10 see them as partners in the stewardship of the lands that
11 this Commission holds. And that we -- we -- we're happy
12 to see that there are moves towards that in this new
13 Environmental Justice Policy and the blueprint.

14 And then third is that for the Commission to --
15 and the staff to build its new environmental justice
16 muscle, we were trying to figure out how successful we
17 would be in this year-long process around the guidance --
18 environmental justice guidance we had, as communities of
19 color working primarily with a white staff.

20 And so I think the timing of the racial equity
21 training that the staff were going through, the openness
22 of their stance, the strong ideas and examples that we
23 brought, that there are solutions -- solutionaries within
24 communities that are of concern that -- in our
25 communities, that there's -- there's such a fruitful place

1 for these kinds of policies to take -- to take root, and
2 to take action, and to continue down that path. And so I
3 know that Sheri also just talked about -- and then just to
4 close, the staff that were part of this year-long process
5 with us, I just want to just echo the appreciation to
6 Jennifer, and Sheri, and Alexandra, Brian, Afifa, Kelly,
7 Jamie, Emma, Abby, Laura, Lucien, Jennifer, that it was a
8 joy to work with you all.

9 And then to the groups in the Environmental
10 Justice working group from Azul, CAUSE, CBE, CRPE, East
11 Yards, Leadership Counsel, Sacred Places Institute,
12 WILDCOAST, and then the Berkeley Environmental Justice
13 Clinic, that all of these groups that came together to
14 bring forth this new EJ policy with you was one of the
15 most successful in my -- processes that I've seen for
16 Environmental Justice Policy in my 25 years doing this
17 work. So congratulations and wholeheartedly approve or
18 support the adoption of the Environmental Justice Policy.

19 Thank you.

20 CHAIRPERSON YEE: Thank you very much.

21 Thank you to the three of you very much.

22 We have additional speakers on this item. Let me
23 call up Jason Giffen as well as Mandy Sackett.

24 MR. GIFFEN: Thank you very much, State
25 Controller Yee, members of the Commission. Jason Giffen

1 with the Port of San Diego. First, I'd just like to
2 follow-up on Chairman Castellanos' welcoming remarks from
3 earlier before. And thank you for your leadership
4 throughout 2018, especially -- and also on this item. I'm
5 very pleased to update you today that the Port is also
6 advancing support of environmental justice, and is
7 alignment with many of the key policy objectives of the
8 Commission.

9 We always at the Port looking for ways to improve
10 the quality of life for our portside communities. We have
11 a tradition of balancing economic development, community
12 needs, and environmental stewardship as was pointed out by
13 the Chairman a little bit earlier this afternoon.

14 And specifically, November 1st, we held an
15 environmental justice workshop with the Board of Port
16 Commissioners, where we proposed to include an
17 environmental justice element as a part of our current
18 Port Master Plan update, which staff has presented and
19 given the Commission updates previously.

20 The Port is one of four ports required to
21 maintain a Port Master Plan update. And I'm proud to say
22 that environmental justice will be a part of our Port
23 Master Plan in the future with a focus on pollution
24 reduction, public health, public access, economic
25 opportunity, and public engagement. Just in closing, I

1 think this is an example of how State policy can be taken
2 to the next level, and Implemented locally. So thank you
3 for your leadership and time.

4 CHAIRPERSON YEE: Thank you very much, Jason.
5 Mandy.

6 MS. SACKETT: Hi. Mandy Sackett, surfrider
7 foundation. Good afternoon, Chair Yee and Commissioners.
8 Surfrider recognizes that environmental justice is a
9 critical part of ensuring effective environmental
10 protections. We are dedicated to ensuring beach access
11 for all people, and we encourage our supporters to
12 actively work towards that goal.

13 We continue to expand our own understanding of
14 barriers to coastal access in order to more effectively
15 fulfill our mission. And to that end, we again commend
16 your staff for their diligence and commitment on updating
17 the Commission's Environmental Justice Policy and for
18 bringing to the table representatives from communities in
19 the -- that it is most intended to serve.

20 The success of an Environmental Justice Policy
21 relies on such outreach, and as well as the daily
22 integration of the principles and practices outlined
23 within it. We believe that the Commission's draft
24 Environmental Justice Policy comprehensively serves as
25 commitment to the more equitable treatment of people of

1 all races, cultures, and income in the areas where State
2 Lands has decision-making power.

3 We're pleased to offer our support for the
4 adoption of this policy. Thank you very much.

5 CHAIRPERSON YEE: Thank you.

6 Comments, Commissioners?

7 Yes, please, Commissioner Viola.

8 ACTING COMMISSIONER VIOLA: I would just like to
9 give a quick thank you to all the stakeholders that have
10 participated in this process and come to the meetings to
11 speak before us. Environmental Justice Policy update
12 can't happen in a vacuum. We need these partnerships.
13 And so your willingness to come to the table with us and
14 show us what -- you know, what we're missing and what's
15 needed is really valuable. So thank you.

16 CHAIRPERSON YEE: Thank you.

17 All right. Jennifer, did you have a comment?

18 EXECUTIVE OFFICER LUCCHESI: Yeah, if I may --

19 CHAIRPERSON YEE: Please.

20 EXECUTIVE OFFICER LUCCHESI: -- just add a couple
21 of remarks. I also want to echo what Commissioner Viola
22 just mentioned, and really express my gratitude for really
23 the hundreds of hours that not only the working group
24 members spent with us and our team, but all of the
25 hundreds of members of communities through our roundtables

1 that we hosted, the phone calls, the emails, and the
2 comment letters that were sent.

3 As Mari Rose alluded to, we -- there was a -- we
4 had a lot to learn as a staff. And it has been an
5 incredible evolution in our culture. And we're eternally
6 grateful for the time that folks spent with us really
7 sharing their experiences, their knowledge, and allowing
8 us to learn from them.

9 And so -- and I think that's what has led us to a
10 date like today, where there is a lot of positive remarks
11 about the policy before you, and the implementation
12 blueprint. But also, as what was stated, there is a lot
13 more work to be done. And as a staff, we are very
14 committed to implementing this policy, implementing the
15 Commission's vision for this policy, and we look forward
16 to regular updates and being held accountable.

17 I -- in a recent meeting I had with a tribal
18 chairwoman, I was reminded -- I mean, this is very -- a
19 simplistic view, but it really resonated with me that
20 environmental justice, social equity is about protecting
21 communities and giving power and voice to those vulnerable
22 and disproportionately affected communities. And I think
23 that is at our heart our goal with this policy and
24 implementation blueprint.

25 So again, I'm very thankful for your time, and

1 for everything that we were able to learn over the past
2 year and a half. And we are committed to putting that
3 learning to good use.

4 CHAIRPERSON YEE: Thank you, Jennifer.

5 Okay. Commissioners, this item is before us for
6 action. Is there a motion?

7 ACTING COMMISSIONER VIOLA: Motion.

8 ACTING COMMISSIONER WONG-HERNANDEZ: Second.

9 CHAIRPERSON YEE: Okay. Motion by Commissioner
10 Viola to adopt the Environmental Justice Policy, and the
11 implementation blueprint. And I think with that,
12 directing staff to develop the implementation plan, based
13 on the blueprint, seconded by Commissioner
14 Wong-Hernandez, without objection, that motion carries.

15 Thank you all very, very much.

16 (Applause.)

17 CHAIRPERSON YEE: Thank you.

18 All right, Commissioners, our next item is Item
19 76. This relates to the San Diego Ocean Planning
20 Partnership, and approval of the final preliminary
21 assessment report.

22 And lets go ahead and have the staff
23 presentation.

24 Good afternoon.

25 (Thereupon an overhead presentation was

1 presented as follows.)

2 SCIENCE POLICY ADVISOR AND TRIBAL LIAISON MATTOX:

3 Good afternoon. Great. Thank you.

4 Good afternoon, Chairwoman Yee, Commissioners.

5 I'm Jennifer Mattox. I'm the Science Policy Advisor and
6 Tribal Liaison for the State Lands Commission.

7 And I'm here about almost exactly two years after
8 we were here in San Diego presenting to you a workplan for
9 the San Diego Ocean Planning Partnership. And now, today,
10 I just really feel privileged and excited to present you
11 with our preliminary assessment report. And this is the
12 culmination of our first phase of this really innovative
13 pilot Ocean Planning Partnership.

14 We are asking that you consider approval of this
15 report, and our recommendations for the next steps for us
16 to take in the coming year.

17 I'll be presenting jointly with Lesley Nishihira
18 from the Port of San Diego, the director of planning; and
19 also, of course, Maren Farnum, our project manager here at
20 the State Lands Commission.

21 So my role will be just to introduce kind of
22 where we're at, and how we approached this assessment
23 phase. And we'll then discuss the findings of the
24 assessment report, and we'll conclude with an outline of
25 some potential next steps.

1 These next steps we feel are driven by and
2 informed by what we've learned through our years plus of
3 public engagement, as well as our data collection.

4 --o0o--

5 SCIENCE POLICY ADVISOR AND TRIBAL LIAISON MATTOX:

6 One more. So the Public Trust. So our pilot
7 project is centered on an understanding of the Public
8 Trust uses within the offshore space. Both the Commission
9 and the Port are entrusted to manage and balance Public
10 Trust uses, including commerce, navigation, fisheries,
11 recreation, and environmental stewardship on the State's
12 tidelands and submerged lands.

13 This is for all of the people of California.
14 When the Commission -- when the Commission staff brings
15 lease applications and related management issues before
16 you for your consider -- for your consideration, we strive
17 to bring you the most comprehensive information possible,
18 so that your decision-making is robust and well thought
19 out.

20 We want to know that we're truly upholding the
21 Public Trust by understanding all the complexities and all
22 the implications of authorizing that use in a particular
23 place at a particular time, compared to other uses or
24 non-uses for those lands under our jurisdiction.

25 We also want users of this space, who may think

1 about coming to us before they submit an application, to
2 understand where their efforts might be focused in a more
3 amenable place or time versus a more complex or difficult
4 place or time.

5 So that's where we get to our purpose of our
6 pilot project, so that we, and our users, can understand
7 the current ocean uses more fully, all the interactions
8 and dynamics among those uses and activities, challenges,
9 potential conflicts, potential opportunities for more
10 robust environmental stewardship, and more effectively
11 plan for this use in the future, which is undeniably going
12 to become more complex, have new challenges, new uses,
13 that we haven't even thought of come online.

14 We've organized our public engagement around
15 these various Public Trust uses, and our data collection
16 effort, so we've really tried to connect with individuals
17 and groups across the entire spectrum of these five Public
18 Trust uses, so that everybody has some representation.

19 We've collected as much spatially referenced data
20 as we possibly can across all five of these uses to ensure
21 we're being as comprehensive as possible, and representing
22 the diversity that is necessary uses -- or data
23 collection, I should say, that will continue and
24 stakeholder engagement that will continue.

25 --o0o--

1 SCIENCE POLICY ADVISOR AND TRIBAL LIAISON MATTOX:

2 So kind of started this all -- like I said, just
3 a few years ago, a couple years ago, October 2016 when we
4 entered into this Memorandum of Agreement with the Port of
5 San Diego for some really, to me, seemed like really clear
6 reasons. You know, as ourselves as the trust manager and
7 land and resource managers, and the Port of San Diego as
8 our grantee of holding in Trust, in lieu of us directly.

9 This formalized the partnership. And it's -- it
10 was sort of a first time for us to partner with a local
11 trustee that has -- that manages our granted lands on this
12 scale. I want to make sure that we remember that, at that
13 time, we were at the beginning. That was in its infancy.
14 And we were really looking to do something new.

15 And what that Memorandum of Agreement really
16 wanted to do was provide us that process, a roadmap more
17 than anything else. The rules of playing in the sandbox
18 together, open exchange of information, who would take on
19 what various pieces, and then really memorializing sort of
20 our common purpose and goal, but also leaving a lot of
21 flexibility.

22 So you'll see through this presentation and
23 through the actual report that you have in front of you,
24 there's a few little crosswalks, mostly in terminology,
25 where, you know, maybe two years ago we called something

1 one thing. And now, over time, based on, you know, just
2 the evolution of the science and other networks of ocean
3 planning, and also stakeholder feedback that we've sort of
4 changed nomenclature, changed the lexicon a little bit
5 that -- in a way that we thought was a little bit more
6 inclusive.

7 So we really think the MOA is valuable. But at
8 the same time, we also want to make sure that we keep it
9 in its perspective of that being sort of the launching
10 point, the jumping off place that really what's -- what we
11 use the MOA to go back to is to reaffirm our mutual goals
12 and our common processes.

13 So, you know, really what was in there, as just
14 being committed to an absolutely stakeholder driven
15 process, robust public engagement, reducing conflicts or
16 the potential for conflicts, and identifying proactive
17 opportunities for stewardship, and then also jointly
18 considering ways to be effective and responsible in the
19 information we provide to the Commission and for our
20 decision-making purposes.

21 So with that, I will hand it over to Ms. Lesley
22 Nishihira.

23 MS. NISHIHIRA: Thank you, Jennifer. Good
24 afternoon, Commissioners. I'm Lesley Nishihira, Director
25 of Planning for the Port of San Diego.

1 We met over 90 stakeholders and ocean users,
2 which included San Diego County coastal cities,
3 environmental and community nonprofits, academia,
4 commercial and recreational fishermen, tribal governments,
5 and local, State, and federal agencies, including the U.S.
6 Navy.

7 And the second type is broader public engagement
8 to connect with communities and community members within
9 the San Diego area.

10 In October, we held an open house for the public
11 in San Diego at the Port's administration building, where
12 we introduced the pilot to community members and previewed
13 the interactive web mapping application we are developing
14 to display the scientific data we have collected.

15 We have also sought to inform the public by
16 regularly briefing the Commission and the Board Port of --
17 Ports Board of Commissioners at our respective public
18 meetings, as well as making presentations at a number of
19 sister agency public meetings, and related ocean and
20 coastal events, such as conferences and symposia.

21 --o0o--

22 MS. NISHIHIRA: In addition to learning through
23 public engagement, we've been collecting data about this
24 ocean space. The goal of this effort was to collect
25 reliable spatial data sets and compile them into a web

1 mapping application. Through this application, this data,
2 such as habitat locations and recreation spots can be
3 visualized into an interactive, online map to the
4 dynamic -- to reflect the dynamic and interconnected
5 relationship between human uses and the ocean space.

6 We researched and reviewed publicly available
7 data from numerous sources, and we were also directed to
8 add additional data sets to stakeholders through the
9 public engagement effort.

10 This data was compiled into the web mapping
11 application, which will be public facing upon its release,
12 and will serve as an informational and interactive tool to
13 visualize this data in one place at one time. The
14 application also serves to facilitate greater
15 communication, collaboration, and coordination amongst the
16 public, ocean users, and resource managers by including
17 important contact information associated with different
18 uses that people may connect with one another directly to
19 address questions and concerns, and learn more about a
20 particular use.

21 And now I'll turn the presentation over to Maren
22 Farnum with State Lands Commission.

23 --o0o--

24 STAFF ENVIRONMENTAL SCIENTIST FARNUM: Thank you,
25 Lesley. I'm Maren Farnum from the State Lands Commission.

1 And I'm just going to recap what we've been doing all
2 year.

3 So we -- as Lesley mentioned, we have regularly
4 provided updates to the Commission and the Port's board to
5 describe our approach and what we've learned through the
6 process. We've also sought additional opportunities to
7 connect with key ocean users, including tribes and native
8 nations.

9 So in March of this year, we presented both our
10 decision-making bodies an update on our progress with
11 implementing the approach to the assessment phase and
12 initiating stakeholder engagement. In June, we presented
13 what we had learned to date from our stakeholders and data
14 collection efforts. In July, we participated in a very
15 special two-day event, the Strategic Coastal Planning and
16 Organizing for California's Native Nations Summit held
17 here in San Diego Scripps Institution of Oceanography.
18 We'd like to thank the Scripps Institute for providing the
19 venue, and the Sacred Places Institute for Indigenous
20 Peoples, and the West Coast Ocean Tribal Caucus for
21 organizing the event.

22 We were honored by the attendance of many locally
23 affiliated San Diego tribal members, as well as
24 representatives from tribes in other areas of the
25 California coast. And Chair Yee and Chair Castellanos

1 were also able to attend that special event, make some
2 remarks, and really listened with a lot of purpose. And I
3 think that really demonstrated the commitment of our
4 leadership to this important learning and engagement
5 opportunity.

6 In August, we presented the main elements of --
7 and highlights of the draft preliminary assessment report
8 released shortly after the end of September. The release
9 of the draft was accompanied by a public comment period
10 that extended through the third week in October. Also, in
11 October, we previewed the web mapping application set for
12 release next year, and held a public open house as Lesley
13 said, which was attended by members of the public and many
14 of our stakeholders to provide information about the pilot
15 project and gain that additional feedback and input to
16 inform our work moving forward.

17 And here we are now today to present this final
18 preliminary assessment report and recommendations for
19 potential next steps.

20 --o0o--

21 STAFF ENVIRONMENTAL SCIENTIST FARNUM: So I'll
22 briefly summarize the preliminary assessment report's
23 elements and findings.

24 The purpose of this first phase of the San Diego
25 Ocean Planning Partnership, the assessment phase, was to

1 better understanding the current uses and challenges in
2 state waters offshore San Diego County. It is important
3 to be clear that the outcome of this pilot project is not
4 zoning. We have neither the desire nor the authority to
5 do that. However, we do want to raise awareness about
6 ocean uses, understand them better, and involve all who
7 want to collaborate with us to make informed decisions
8 about the ocean space that ensure we uphold the Public
9 Trust.

10 We included a section about our partnerships
11 specifically, centered on the concept of collaborative
12 stewardship. Here, people can learn more about our
13 respective entities, our authorities, and activities, as
14 well as our interagency and regional relationships, and
15 the MOA that Jen mentioned that was signed to memorialize
16 the partnership in 2016.

17 In the approach section we've described our
18 approach and provided the timeline for the assessment
19 phase, including stakeholder engagement and data
20 collection.

21 The fourth section is where we actually present
22 the assessment, which includes the input from all our
23 stakeholder meetings and public engagement events. We
24 recorded every response. We did not alter them, so as to
25 preserve the integrity of what we heard directly.

1 Stakeholders told us how they define ocean
2 planning, what their perceptions were of the process, and
3 how they used the ocean space, and those challenges that
4 they face associated with those uses. We organized the
5 responses into categories to help us better understand the
6 different types of uses, experiences, and challenges that
7 people articulated.

8 We broadly divided the assessment into
9 observations and lessons learned. Some of the main things
10 we learned from the assessment through our stakeholders
11 was that there is indeed a very broad diversity of use
12 within this ocean space.

13 And some common challenges across uses include,
14 but are not limited to: Changing environmental
15 conditions - we've, of course, heard a lot today about
16 climate change and sea level rise; the need to balance
17 computing uses and evolving regulatory and management
18 processes that can also pose some challenges; continued
19 public engagement and a process for conflict management
20 were repeatedly expressed as desired outcomes for this
21 pilot project.

22 So the moving forward section describes our
23 recommendations for the next steps of the partnership.
24 And we'll get into more details about that in just the
25 next slide here.

1 We've got a conclusion that provides a summary,
2 and an appendix which includes the original MOA, the list
3 of questions we asked in our focused stakeholder meetings,
4 our current list of stakeholders, and the data sets we've
5 reviewed for the inclusion into the web mapping
6 application.

7 --o0o--

8 STAFF ENVIRONMENTAL SCIENTIST FARNUM: So the
9 partnership identified some potential next steps for the
10 pilot project, organized by steps that the partners can
11 take together, and some that could be undertaken by the
12 Commission and the Port individually in support of the
13 partnership.

14 Together, we can continue to do periodic
15 assessments to continuously improve our understanding of
16 the ocean space and its uses as they evolve. We can
17 refine the goals of the partnership based now on what
18 we've learned from public engagement and data collection.
19 As part of these refined goals, we may chose to focus more
20 of our attentions on developing an early engagement
21 framework that could be implemented to proactively address
22 potential conflicts in the ocean space, and avoid or
23 resolve potential issues early on in our own lease
24 application process.

25 The partners can continue to enhance and improve

1 our public engagement efforts, particularly as we continue
2 to develop this web mapping application and as we consider
3 the early engagement framework.

4 This is a very important step to maintain the
5 transparency of this pilot project, which is a
6 foundational pillar of the partnership.

7 We can collectively refine and align the
8 priorities of this pilot project with other local and
9 State initiatives, such as climate change planning
10 initiatives, environmental justice policy initiatives.
11 The Port of San Diego, as the local partner, can continue
12 its strong commitment, which we're very appreciative of,
13 to local outreach, facilitating regional coordination and
14 identifying future partnership opportunities.

15 The Port can leverage its strong working
16 relationships with other agencies and groups throughout
17 the San Diego region to learn from their experience, and
18 their expertise to ensure stakeholders are fully informed,
19 and have maximum opportunity to provide feedback.

20 Finally, the Commission will continue to lead the
21 development of the web mapping application and will be
22 responsible for updating and maintaining itself.

23 So I'd like to conclude by thanking all of the
24 stakeholders and members of the public who have engaged
25 with us to make this assessment phase of the San Diego

1 Ocean Planning Partnership so meaningful and significant.
2 We've heard about this from the Environmental Justice
3 Policy as well. We were also extremely honored by the
4 incredible amount of time that people took to help us
5 learn and to learn with us as well.

6 People have volunteered in a number of different
7 ways to help us increase our knowledge of this important
8 ocean space offshore San Diego. And their contributions
9 are going to improve the ways that we manage, and ensure
10 the Public Trust for many years to come.

11 I'd also like to thank the dedicated staffs of
12 the Port of San Diego and the Commission, who have worked
13 tirelessly to develop and implement this approach to the
14 assessment phase, and that was principled and transparent,
15 and allowed us to advance the goals of the partnership.

16 I'd like to include a thanks to our Sea Grant
17 fellows who have brought their tremendous energy and
18 creativity to this effort. I'd also like to thank Nexus
19 Planning and Research, and one of its Principals, Dennis
20 Larson, for all of his contributions and his team's
21 contributions to this effort.

22 And finally, I'd like to thank all off you, our
23 Commissioners, and the Port's Board of Commissioners for
24 your forward thinking and proactive leadership, vision,
25 and guidance through this whole process. And we ask you

1 to consider approving the preliminary assessment report
2 and some of our recommendations for next steps of the
3 partnership.

4 Thank you very much.

5 CHAIRPERSON YEE: Thank you very much, Maren.
6 You make it all sound so simple, but we know the amount of
7 hours and time, and -- but I just wanted to just say
8 particularly thank you for your leadership, and just
9 tenacity and diligence for just, you know, working through
10 this process every step of the way.

11 We've heard from a lot of different interests. I
12 know there's still some concerns by some interests, but to
13 whom I will say I think this particular undertaking really
14 was meant to bring those concerns to the fore. And we
15 will continue to be sure that those voices are heard going
16 forward. I want to thank the -- our partners at the Port,
17 especially Lesley. Thank you for your leadership there as
18 well.

19 These are very, very tough undertakings when so
20 much is unknown going forward. And yet, when so much of
21 it can be driven by information data and continuing to
22 develop data tools going forward, this is what gives me
23 just a -- just tremendous excitement about what we can do
24 together in terms of our partnerships going forward.

25 So thank you very much.

1 Comments by Commissioners before I open it up to
2 public comment?

3 Okay. Very well. We have a number of speakers
4 on this item. Let me call you up in pairs, if I may.
5 First, Mike Conroy with Commercial and Recreational
6 Fishing as well as John Law with the San Diego Fishermen's
7 Working Group

8 MR. CONROY: Hi. My name is Mike Conroy with
9 West Coast Fisheries Consultants. I work with fishing
10 groups, governmental agencies on fisheries related issues.

11 I was a signatory to a letter, I believe you
12 received, as a joint letter from the Pacific Coast
13 Federation of Fishing Associations, Commercial Fishermen
14 of Santa Barbara, CWPA, the Alliance of Communities for
15 Sustainable Fisheries, and the San Diego Fishermen's
16 Working Group. I had hoped to have my own comment letter
17 submitted, but I just didn't have time, given the lateness
18 of when the documents were sent out.

19 Just as on a general point of view, I think that
20 what you have now is much better than the draft that was
21 sent out back, I believe it was, in October, but I still
22 think it can be better. That's why to the extent that
23 this report supports conflict resolution and the design of
24 a process and/or a framework to address resolution of
25 conflicts before they happen, and then also a centralized

1 repository for data that's collected within the project
2 area, and, of course, the no zoning that we see -- saw
3 repeatedly in the proposed final report, everybody that
4 I've talked to is in full support of that.

5 It's the unknown. There's just too much unknown
6 here. So I think what our ask here today is either delay
7 approving this until your next meeting, but operating
8 under the assumption that that's not very likely, maybe
9 conditionally approve this looking at the goals, approving
10 the two goals, and then kicking it back to get it -- a
11 little bit more clarification, and a little bit more
12 better fleshed out in some of the content in the document.

13 For example, you know, looking at the time limits
14 of this. The documents came out. I believe they were put
15 up on your website last Friday. I mean, thanks to Maren,
16 we had advanced access to it, so we were able to get some
17 comments together on this. But I think the general public
18 didn't even have any, you know, advanced notice of what
19 was going on today, and couldn't properly offer any
20 comments.

21 To the transparency issue, I commend Port staff,
22 especially Lesley, Lily, and Jason for having reached out
23 to us, and your staff as well with both Jennifer and Maren
24 for interacting with us, but -- and we're definitely happy
25 with what we've seen, but it hasn't always been this way.

1 You know, we learned about this project happenstance a
2 year after it started.

3 So I think with the increased outreach and
4 involvement of the commercial fishing industry, and
5 recreational fishery, and other stakeholders I think this
6 can definitely be improved along the way.

7 We would also recommend that we need a roadmap.
8 We have a very good idea of where we are today, what's
9 been done to today. But one of the things that gives us
10 greatest concern is we have no idea where this is going.
11 And from a -- you know, a fisherman's standpoint, who uses
12 all of the space in the preliminary project area, we're
13 leery of it. And then when you see that there is data
14 collected that is outside the preliminary project area, it
15 just doesn't -- we're having a hard time connecting the
16 dots and seeing what the end goal is here. And that's why
17 we're -- we're very cognizant, paying very much attention,
18 and very concerned about this.

19 There's also additional concerns that have been
20 raised in our prior letters and prior comments, potential
21 conflicts of interest with State Lands, with the ports
22 being both stakeholders and partners to this; the
23 vagueness inherent in the Memorandum of Agreement that we
24 think would -- could stand from improvement by amending
25 the MOA; kind of this rush to get this done. I think

1 this -- it's -- I think we're well on the way to having
2 something that is good, but I think we're really trying to
3 rush it in to get it done in a certain time frame. And I
4 think that -- that could end up causing harm to it,
5 because we're not fully vetting out and fully
6 contemplating things that should also be thought through.

7 And then the data item. I -- I've -- I was very
8 critical of a lot of the items of data that were reported
9 in the initial report as being either inherently vague,
10 too grand in scope, not detailed enough, not scaled
11 enough, and quite a few of it is just completely outside
12 the project area, which raised concerns as to why is this
13 data being collected and what is the end goal here?

14 With regards to the Memorandum of Agreement, we
15 pointed out another thing in some of our comment letters,
16 but we feel that it could benefit from being amended,
17 because it incorporates some of the lessons learned. I
18 think Jennifer highlighted that in the two years since
19 this was implemented, you've learned quite a few lessons
20 that could be reflected in amending the MOA.

21 Also, we have a new National Ocean Policy, the
22 one upon which this -- this -- the MOA is based was
23 revoked and replaced with a new one, and has -- that new
24 National Ocean Policy has different goals and different
25 objectives.

1 I think with regards to -- it could offer some
2 increased clarity. As I mentioned before, the MOA has a
3 lot of vagueness in it. By amending it, it would help
4 clarify that and help increase the public trust in that.

5 And then also participation of other interested
6 stakeholders and other agencies. You have the Fish and
7 Game Commission, which is responsible for everything above
8 what you have in State waters, and the Department of Fish
9 and Wildlife. They're certainly key stakeholders. And
10 I've been having conversations with them. And they're now
11 aware of this, but they weren't made aware of this until,
12 humbly in my opinion, not till after the fact.

13 So -- and I think, as Jennifer noted, there could
14 be change in nomenclature that they use in the final
15 report that differs from what the MOA states. I think if
16 we just take time and review the MOA, amend the MOA, get
17 that done, then approve this at roughly the same time, I
18 think that would be -- would be helpful for everybody.

19 Thanks.

20 CHAIRPERSON YEE: Thank you very much.

21 Let me call up the next two speakers together.
22 John Law and Peter Halmay, please.

23 MR. LAW: Hi. Good afternoon. My name is John
24 Law. I don't have any prepared notes. I was out
25 contributing to the blue economy pulling lobster traps all

1 day.

2 I'm a commercial fisherman. I operate out of
3 Mission Bay, which is the next port up the road. And
4 we're not under Port jurisdiction, but we're definitely
5 connected to this. We have fishermen that travel out of
6 Mission Bay come all the way down to Imperial Beach and go
7 all the way up to Del Mar.

8 My biggest concern is this -- in this is that the
9 commercial fishermen are not only represented, but that we
10 have a seat at the table, that we're a part of the process
11 from the beginning. We heard the representatives from
12 Imperial Beach talking about earlier about the sand
13 replenishment. And that was one of the biggest disasters
14 for us back in 2013, because we had no idea it was coming.
15 It really upset our lobster fishery. It did some
16 long-lasting damage to the coastline where they dredged
17 the sand.

18 And if we could have been part of that at the
19 very beginning, we could have really changed some things,
20 and it would have been better for everyone involved. So
21 as we go forward with this, we need to be a part of this.
22 We need to be at the table, and we need to be able to
23 convey that we have decades of experience in these waters,
24 and our information is valuable.

25 Jennifer had a meeting for us. It was wonderful.

1 We really appreciate that. The -- Lesley and the
2 representatives from the Port have been, you know, very
3 open and just very communicative. It's very, very
4 important that that keeps going as we go forward.

5 We -- you know, a lot of us consider what we do
6 kind of a legacy thing. I have friends that I'm
7 mentoring. I have a nephew that I'm mentoring. And I
8 want to make sure that as we go forward 20, 30, 40 years
9 from now, when I'm gone, that what I can -- taught them is
10 important and it doesn't get washed under the rug because
11 there's an aquafarm or some other thing in the place where
12 we used to fish.

13 So really appreciate your time. Thank you.

14 CHAIRPERSON YEE: Thank you very much.

15 MR. HALMAY: Controller Yee, Commissioners, my
16 name is Peter Halmay. I'm the President of the San Diego
17 Fishermen's Working Group, an association representing the
18 110 or so boats in San Diego Bay, and Mission Bay also.

19 We represent a whole host of different types of
20 fisheries that fish pretty much every space that's open to
21 us in the near ocean.

22 I'd like to thank you first of all for your staff
23 for listening to us. And we presented lengthy comments on
24 this in writing. And I don't want to go over them,
25 because I've got poor eyesight, and I don't want to go

1 over what I've heard said.

2 But let me get to one major point that I'd like
3 to make is the thing that's missing is why did you do this
4 report? What are the foreseeable projects that you're
5 thinking of where you're going to use this? And then if
6 you can think of those projects, how are you going to use
7 this report?

8 So merely putting down what's there now isn't
9 going to inform you as to what you're doing. So are you
10 trying not to say what the projects are going to be
11 because you know they're going to be confrontational or
12 you really don't know what's going to happen?

13 So that's a big question to us, because that will
14 tell you what's in the report. And these things -- you
15 have to identify these new -- maybe new uses, which may be
16 incompatible with the present uses. So let's look at them
17 right away very critically. And so I think that part of
18 the report is missing.

19 And so to echo -- that's my only comment and to
20 echo Mike's thing is maybe -- maybe the report needs some
21 more work. And rushing it to call it final may not be the
22 right thing to do. In our business, the carpenter's say,
23 "Measure twice, cut once".

24 CHAIRPERSON YEE: Thank you, Mr. Halmay.

25 Let me take a moment here, if I may, just to

1 speak about the report. This is a partnership that --
2 project that I was very involved in when I began on the
3 Commission. And it wasn't driven by any motivation,
4 except just to get anyone who had an interest in our ocean
5 resources together. And, you know, in recognition of the
6 fact that going forward we likely will have new ocean
7 uses, we likely will have challenges to our ocean and our
8 ability to protect the resources of the ocean, and all
9 resources attendant to it.

10 And just felt very strongly that we --
11 particularly in this region in San Diego, we had all of
12 the interests that could come together to begin to talk
13 about your particular interest and relationship with our
14 ocean resources, but this was not going to be about, as
15 many have speculated, permit streamlining or zoning. I
16 know we keep saying it, but it has nothing to do with
17 that.

18 The fact of the matter is the ocean is changing.
19 And I know that we're not the only State organization that
20 has a touch with respect to ocean policy. And so I'm
21 going to recommend that the next step with this
22 preliminary assessment report be that we share it with our
23 sister agencies. Because as our fishermen interests have
24 talked about this afternoon, whether it's Fish and Game or
25 some of the other sister agencies, your involvement with

1 the State is likely with some of those other entities.

2 But the idea of bringing these interests
3 together, so that when we have -- whether it's new
4 national policy, whether it's new -- just uses that we
5 have, we have a process in place where we can get the
6 interests together and understand already, you know, kind
7 of what your relationship with our ocean resources is
8 today. And to then have our sister agencies also look at
9 this preliminary assessment report to add their voices, in
10 terms of additional data, additional considerations that
11 need to be made when we know that what is happening to our
12 ocean continues to change, whether it be sea level rise,
13 whether it be climate change, ocean acidification,
14 resulting thereof, is -- you know, these are all real
15 issue right now for our ocean.

16 And the idea that we're just going to sit by
17 until we have a catastrophe, or sit by until we have a
18 disaster to bring everybody together just is unacceptable.
19 We have all of the resources right here in the San Diego
20 region.

21 And so to your point, Mr. Halmay, what -- why did
22 we do this report? There is a lot of unknown. But we did
23 it because we wanted to be smart about knowing that we
24 have a lot of valuable information in our hands right now.
25 We want to be sure that we capture that and continue to

1 build on that for when we have to make policy decisions
2 around how we're going to adapt to either new ocean
3 conditions or certainly new ocean -- new uses of our ocean
4 resources.

5 So that -- and I know it's an uncomfortable place
6 to be, because we're not telling you what's happening to
7 your industry. And I will say from my perspective,
8 there's no limitation on what you're doing in terms of
9 commercial and recreational fishing in this document. I'm
10 not -- and we are going to share it with, as I said, our
11 sister agencies. And those conversations can be also ones
12 in which you can participate in. We want to continue to
13 have your participation as we continue to build out our
14 data tools, but we're in this together.

15 I mean, I think we're all doing this, because we
16 have a healthy respect and appreciation for our ocean
17 resources. We want to be sure that we're in the best
18 position possible to protect them, and also those who
19 depend on it for livelihood can also rely on that as well.

20 So I just wanted to put that out there, because I
21 have to just say, there's nothing kind of untoward about
22 this report. And I get a little offensive when that is
23 put forth, because a lot of work has been put into
24 listening to a lot of this all -- almost all of the
25 stakeholders kind of have, you know, some touch to the

1 ocean resources in region.

2 So and I'll talk about next steps in a minute.
3 And I'm sure -- and Lesley if you have anything to offer
4 with respect to the ports, thoughts about next steps. But
5 I feel very strongly to the extent that we have a
6 memorandum of agreement with our sister agencies as it
7 relates to how we're going to continue to provide
8 stewardship of our ocean resources, that they also will
9 need to be a part of this preliminary assessment as well.

10 Other comments, Commissioners?

11 Okay. Let me call up the rest of the speakers oh
12 this item. Wayne Kotow, Matt O'Malley are you here?
13 Please.

14 MR. KOTOW: Good afternoon, Chair Yee and
15 Commissioners, and staff. My name is Wayne Kotow. I'm
16 with the Coastal Conservation Association of California.
17 We represent the salt water recreational anglers. I'm
18 also a part of the Board of the San Diego County Wildlife
19 Federation, which represents the recreational and
20 responsible hunters and recreational fisherman. And I'm
21 on the San Diego Port Harbor Safety Committee.

22 We applaud and reiterate exactly what you just
23 said. We thank you for allowing us to be at the table,
24 having the conversation, being part of the solution, and
25 what we're going to do going forward with our resources.

1 Our resources are precious to us.

2 There's going to be a lot of controversy going
3 forward how we use them, but at least we're allowed to
4 talk about it, discuss it, and try to come up with
5 solutions for all of us. And that's one thing that we
6 applaud. We want to be part of that conversation.

7 Recreational angling has a lot of stakeholders as
8 well as the commercial fishing community. We know that
9 there's going to be a lot of controversy when it comes to
10 those conversations. But we all believe that we have a
11 right and an ability to use those resources, but we also
12 want to be responsible to make sure that the resources are
13 available for all of us in the future.

14 Okay. We -- we understand that there's going to
15 be this need to invest in what we do going forward with
16 these resources. We understand that there's going to be
17 these conflicts of aquaculture and other environmental
18 savings of areas, like our MPAs that we have out here now.

19 Well -- while the recreational community had a
20 big fight along with the commercial industry with it, we
21 understand why. We may not always agree on how, but we
22 understand that there was a need.

23 And one of those needs is exactly what you guys
24 brought up in here today about what's going on with the
25 Tijuana sewage spill. There's an MPA sitting right there

1 on the border that's being environmentally polluted, and
2 nobody did anything about it for years. The environmental
3 groups fought for these areas to protect, and they didn't
4 even get up and fight for that area at the time when all
5 this has been going down.

6 It was the fishing community that stood up in
7 front of the Fish and Game Commission and called them out
8 for it, and said why are we not fighting for those lands
9 that you guys wanted to protect so hard?

10 We're conservationists. That's part of our name.
11 We believe in the sustainability of our sport, our
12 resource, and all of the areas that are out there. So
13 this is for all of us.

14 And to be a part of the conversation is important
15 to us, because we're here to protect and conserve the
16 resources, but also allow access to all of us. And that's
17 what -- we can't do that, unless we're part of the
18 conversation. So I applaud it and I agree with this
19 preliminary assessment, as long as we're still at the
20 table talking about the finer points that we all have
21 disagreement with. It could be the portal. It could be
22 the data input. There's areas that we don't always agree
23 with, but at least we want to be part of the conversation
24 to say can we help fix it?

25 So thank you.

1 CHAIRPERSON YEE: Thank you very much.

2 Matt O'Malley.

3 MR. O'MALLEY: Good afternoon. Good afternoon,
4 Chair Yee and Commissioners. Matt O'Malley from San Diego
5 Coastkeeper.

6 For those of you who don't know, Coastkeeper, for
7 the better part of 23 years, we've been pretty actively
8 engaged in not only tracking, but also influencing coastal
9 and resource management in the area up and down the coast,
10 but particularly us here in San Diego. We also actually
11 serve on the Port's Environmental Advisory Committee. And
12 you'd think we'd be pretty much tuned in with what the
13 Port is doing.

14 But I've got to say based on that 23-year history
15 and honestly some of the newer proposals that are coming
16 out for industrialization off our coast and cleaning, the
17 aquaculture project that you've heard. You know, we have
18 remained quite skeptical of the ocean planning process and
19 this report as well.

20 But two years ago still, we stood in front of
21 you - I think it was October of two years ago - with an
22 open mind and commented that we think really for this to
23 work it really truly will take robust, transparent,
24 constant engagement of the community.

25 Despite that however -- and I've actually also

1 said that to SLC staff and Port staff who we are closer
2 to. But despite that, really the extent of the outreach
3 that Coastkeeper received over the last two years was an
4 invitation for one meeting that lasted 20 or 30 minutes.
5 I spoke to our colleagues at Surfrider. I think they got
6 the same sort of invitation. And that was it.

7 I was actually quite surprised when the draft
8 came out, because I thought, ooh, where did this come
9 from? I didn't see this coming. I understand there was a
10 lot more outreach to other stakeholders. And to some
11 extent, I actually share some of their concerns.

12 But I would say because of that lack of outreach,
13 we actually -- our skepticism, and sort of concerns are
14 heightened now, because of this. And I appreciate, Chair
15 Yee, your comments about the intent of this, because this
16 actually helps me, to some extent, understand what the
17 driving force behind this, because this is one of the most
18 nebulous documents I have ever looked at.

19 I am not really sure -- to echo the comments, I'm
20 not really sure where you guys were going with this,
21 including the Port. And so this meeting has been helpful.
22 But this is actually -- probably this three minutes is
23 among the most input that I've had and Coastkeeper has had
24 in this process.

25 And so to the extent -- to that extent, I

1 think -- I don't have much to say about the report. I've
2 read it. I've read all of the other documents supporting
3 it as well. You know, I think there's some good and bad.
4 I think to the extent that you're seeking feedback for
5 what the future of the project is, I think the mapping
6 tool could be quite helpful. And I think that's something
7 we could support, if it is updated over time, if it has
8 true stakeholder input and feedback over time.

9 But I do want to express our disappointment
10 with the level of engagement. And it could be that
11 acknowledging that this type of undertaking is massive.
12 If you truly want to get all the stakeholders around the
13 table and really figure out what -- how -- what you want
14 to do with the coastal area, it perhaps might be beyond
15 the capacity of the agencies as currently funded, and sort
16 of where those reserves put in to really pull in all the
17 stakeholders and figure out where we need to go.

18 So I just want to put that out there again. I
19 don't -- we -- I'm not going to say we either support or
20 don't this, but it was more the process that led to this
21 that we wanted to comment on.

22 So appreciate your time today. Thank you.

23 CHAIRPERSON YEE: Thank you. Thank you very
24 much, Matt.

25 Comments, Commissioners?

1 Okay. Let me -- Lesley, do you have any other
2 insights with respect to the Port and kind of steps --
3 next steps?

4 MS. NISHIHIRA: Thank you, Chair Yee. The Port
5 is very committed to public outreach, seeking input for
6 processes such as these. This is, as noted today, really
7 the very first tiny step in a journey on this whole
8 effort.

9 CHAIRPERSON YEE: Um-hmm.

10 MS. NISHIHIRA: So I -- I can assure you that
11 there will be ongoing conversations and dialogue with all
12 of the stakeholders, and not just those that you've heard
13 from today.

14 And there are a number of initiatives and efforts
15 that the port is working on that we do have conversations
16 with these stakeholders about. So in context of any of
17 those other conversations, we'll be sure to pass along any
18 updates, direction that we're receiving from our leaders,
19 or anything that's of noteworthy value in context of the
20 ocean planning effort. So that is something the Port can
21 commit to do.

22 CHAIRPERSON YEE: Okay. All right. Very well.
23 Jennifer, any thoughts?

24 EXECUTIVE OFFICER LUCCHESI: Yeah, I just -- I
25 wanted to call on either Jennifer or Maren to come up and

1 talk a little bit about the outreach effort. I think that
2 that's important to lay out what was involved in the
3 outreach.

4 With that said, I think the comment about being
5 properly funded and resourced is an important concept
6 associated with this. I mean, it's important to note that
7 the Port and State Lands Commission staff conducted this
8 effort all within our own budget without outside funds
9 coming into it. But with that said, I can attest our
10 outreach effort was pretty robust, given the staffing
11 levels that we had.

12 So with that, I'll turn it over to Jennifer and
13 Maren to talk through that. And I -- real quick, I --
14 with that said, between all of our stakeholders from the
15 fishing community, to commercial users, to the
16 environmental community, to our sister State agencies, for
17 a number of different reasons, we are all working at
18 beyond capacity right now.

19 So I also want to acknowledge that a lot of our
20 stakeholders are dealing with a lot of issues as well. So
21 I understand having to deal with your own limitations on
22 capacity and being able to contribute to efforts like this
23 is -- can be limiting. And so we had hoped to hit that
24 sweet spot, where our outreach efforts matched up with
25 capacity at various stakeholders. And maybe we might have

1 missed the mark a little bit on that. So with that said,
2 I'll turn it over to Jennifer and Maren.

3 SCIENCE POLICY ADVISOR AND TRIBAL LIAISON MATTOX:

4 Thanks, Jen. And I -- if I can just kind of tee
5 up Maren a little bit in terms of management of our, you
6 know, sort of acquisition, growth, and -- of our outreach,
7 our list, everything like that, is, yeah, you're
8 absolutely right. We're working within the capacity that
9 we have on staff. We didn't hire a consulting, anything
10 like that, but we had a really, I would say, robust and
11 ambitious vision of what we wanted to do to be inclusive
12 and to be fully transparent.

13 So in terms of what is the purpose of the report,
14 what it does is really, from my perspective, if I --
15 you'll indulge me for that moment is it is what lays out
16 in their own words what people had to say. You know, what
17 works for you when you're using the ocean? What doesn't
18 work for you? What is upsetting to you? What works well?
19 What doesn't work? What do you want to see? And we --
20 what is your Perception of ocean planning or marine
21 spatial planning?

22 So just documentation shows -- to me is a really
23 critical piece, and I think to all of us, and to Chair
24 Yee, is a really important piece of that accountability.
25 Did you go do the work? Did you listen? Did you -- are

1 you showing what is the most common challenge? What is --
2 maybe we thought something would be a big deal, but nobody
3 thought -- else thought it was a big deal. That helps us
4 learn, so that we can focus on what's important to our
5 stakeholders rather than some false perception of what we
6 thought was important.

7 And then on -- you know, on the -- on the hidden
8 or nefarious hidden motive, I would just -- I echo, Chair
9 Yee, what you said. And coming from a 25-year of land --
10 landside large scale landscape level conservation planning
11 and CCP work. You know, that's really limiting because
12 you have people who have bought a giant piece of property
13 and they want to build a city on it.

14 And then you're grappling it. And the construct
15 there is conflict. They own it, they have a right to
16 develop it. Now, you're trying to protect endangered
17 species or some other thing.

18 The ocean spaces, that public space, there's so
19 much more opportunity there. And to look at this effort
20 rather than being zoning, or industrialization, or taking
21 things away, my heart's desire is a shifted paradigm where
22 we help people see where something might be really hard
23 and where something might be a little easier, and -- and
24 work within that space, so that we're not all the way down
25 the road, and people are invested, and people are

1 entrenched. And it's just conflict. It's -- that
2 conflict is baked into the cake.

3 And so hopefully this tool, I think, will help
4 people have the information from the beginning, rather
5 than us just being reactive to an application, and then
6 we're just in that reactive mode and there's conflict
7 built into that process that I'm hoping this will, I
8 think -- and I wonder if that will help with some of that
9 question earlier. That's why we try to reach out to so
10 many folks.

11 But I think Maren can talk more about our
12 listserve, our website, and our email.

13 STAFF ENVIRONMENTAL SCIENTIST FARNUM: Yeah, I'll
14 just review the approach real quick, too, for everyone to
15 learn more about it. You know, there was certainly a lot
16 of ways we could have done this. We could have kind of
17 done an outreach approach that sort of categorized people
18 into groups, either by public trust use area or, you know,
19 their affiliation either as a government agency or an
20 environmental group, or whatever they were connected to,
21 and kind of done larger group meetings, and maybe had the
22 ability to hold those sort of more often and frequently.

23 But the way that we chose to go we thought would
24 really be beneficial, so that we could hold these
25 individual one-on-one conversations with interested

1 stakeholders, all those that we could think of that
2 touched on these five different Public Trust use areas,
3 touched on all these different affiliations that we wanted
4 to understand their needs and uses, so government
5 regulatory agencies at the federal, State, local, and
6 regional level, folks who were really interested in
7 recreational uses, folks that were from the environmental
8 and conservation non-governmental organization community,
9 folks from all across the spectrum of the fishing
10 community, the military, and our national defense partners
11 here, which are so important, tribal and native nations,
12 so all these different disparate groups.

13 And we really wanted to begin to build
14 relationships with folks by these one-on-one
15 conversations. Also, so that folks could feel that they
16 had the space and ability to be candid in their responses
17 to our questions, and not have to be thinking about how
18 their response, you know, may be taken by one of their
19 fellow stakeholders as they all sat in the same room
20 together.

21 So that's why we asked everyone a very
22 standardized list of questions as well. And then chose in
23 the report not to necessarily tie each response to who
24 gave it, because we didn't want to again erode any trust
25 that we'd work so hard to build, but we wanted to make

1 sure that we did record and display every single answer,
2 and not sort of prioritize or elevate certain types of
3 responses over another.

4 The idea was to get the lay of the land or the
5 lay of sea, as it were, and to really offer an objective
6 assessment just to represent all these different
7 conversations that we'd had.

8 We did then have some additional larger group
9 meetings, because that was actually from the stakeholder's
10 perspective, the most effective and best use of their
11 time. So that's what you saw with the summit that we
12 participated in in July with tribal groups and native
13 nations here in this area.

14 I will say though I really appreciate all of
15 these comments that we've heard today, because one of our
16 foremost commitments throughout this whole pilot project
17 is a commitment to being flexible and responsive to the
18 needs of our stakeholders, learning. And we think there's
19 a lot we can do to improve and enhance our public
20 engagement going forward.

21 Hearing from folks directly is really what it's
22 all about and really what helps teach us new and different
23 ways to think about things moving forward, and how we can
24 improve the process.

25 So that's just some information I can provide on

1 how we developed our approach. Happy to answer any other
2 questions about other parts of the engagement or other
3 opportunities that we might seek in the future.

4 CHAIRPERSON YEE: Okay. Great. Thank you.

5 Commissioner Wong-Hernandez?

6 ACTING COMMISSIONER WONG-HERNANDEZ: Thank you.
7 Thank you all for the information. And, of course, you
8 know, I was not here in the beginning when this process
9 started, but I wanted to say sort of generally that I
10 think developing a document that provides a better
11 understanding of the ocean spaces is helpful to me as a
12 Commissioner. I think that this document will be really
13 helpful to policymakers and staff and the public, and that
14 they're -- you know, to -- to Controller Yee's point, I
15 think that actually more documents that are not
16 contextualizing things as background to a specific
17 decision point are really helpful.

18 Like, I think that this is just a good -- that
19 when you're not trying to lead policymakers and the public
20 to a specific place, that you're just let's set the
21 context now, so that we have some sort of foundation that
22 in the future as -- as these issues continue to evolve, we
23 at least all have some baseline knowledge. I just think
24 there should be more of them in the world.

25 And so I appreciate everyone's efforts on that.

1 And I did hear the public comment about input. And I
2 think that you all have taken that to heart. And I think
3 that, you know, this staff is good a continuing to engage
4 and to think about how to do our process better every
5 dime. So thank you all for that.

6 CHAIRPERSON YEE: Thank you, Commissioner.

7 All right. Thank you, Maren, very much.

8 You know, a major undertaking within existing
9 resources. A little amorphous for some. So very
10 challenging, but I will just say that this process is not
11 over with the action by this Commission today, that this
12 will continue. And certainly from my perspective on the
13 State side, we have, as I said, many partners that will --
14 that we will be sharing this document with, particularly
15 the Ocean Protection Council, and really trying to
16 encourage them to do -- undertake and early engagement
17 framework as well.

18 You know, we know that, you know, there's a lot
19 of -- there's a lot more elevated public discussion about
20 the growth of the blue ocean economy. But I think all of
21 us are committed here that what that needs to rest on is
22 the foundation of a healthy environment. And that's
23 really what we were trying to do was to just all of you,
24 whether, you know, you're on the commercial side of this,
25 whether you're on the stewardship side of this, whether

1 you're on the conservation side of it, all of this is
2 going to inform, you know, how we make good decisions
3 going forward around our ocean resources going forward.

4 So let me -- with that, I'd like to just offer a
5 motion. And in recognition of the feedback that we've
6 gotten this afternoon, thank you all for speaking publicly
7 about this item. I encourage you to continue to do so.
8 And it probably will be actually more comfortable going
9 forward, as you're before your -- some of our sister
10 agencies that you are engaging with on a more regular
11 basis.

12 But I'd like to move that we adopt the
13 preliminary assessment report and direct staff to engage
14 collaboratively with our other sister coastal and resource
15 regulatory agencies, and as I said, particularly with the
16 Ocean Protection Council on developing an early engagement
17 framework. And we look forward to just continuing to
18 build this, and -- so that when policies actually do
19 emerge, whether it be legislative, State level, federal
20 level that we are at the ready to inform those decisions.

21 And that really was my sole purpose of supporting
22 this project. And I think the more input we get, the
23 better. And as I said, that process has not stopped with
24 our action here today.

25 So with that, I will offer that motion. Is there

1 a second?

2 ACTING COMMISSIONER WONG-HERNANDEZ: Second.

3 CHAIRPERSON YEE: Second by Commissioner
4 Wong-Hernandez.

5 Further discussion?

6 Yes, Commissioner -- oh, okay. All right. Very
7 good. So hearing no other discussion by the
8 Commissioners.

9 Without objection, that motion carries.

10 Thank you very much.

11 And I think for Maren and Jennifer, Lesley, if
12 you'll just kind of take note of the speakers who spoke
13 today. I want to be sure that going forward that we have
14 a better way of just looping them in. But certainly, I
15 think by virtue of there being here, their perspectives
16 are now on public record.

17 So thank you.

18 All right, Commissioners. Shall we take a five
19 minute break? Does that sound good?

20 Okay. Why don't we -- about a 10 minute break.
21 We will recess for 10 minutes.

22 (Off record: 3:28 p.m.)

23 (Thereupon a recess was taken.)

24 (On record: 3:44 p.m.)

25 CHAIRPERSON YEE: Let us reconvene the

1 Commission. We are on Item 77. And this is the
2 Legislative Report, "2018 Assessment of the Efficacy,
3 Availability, and Environmental Impacts of Ballast Water
4 Treatment Technologies for Use in California Waters".

5 And we have a presentation.

6 Good afternoon.

7 SENIOR ENVIRONMENTAL SCIENTIST THOMPSON: All
8 right. There it is.

9 Good afternoon, Madam Chair and Commissioners.
10 My name is Jonathan Thompson. I'm a Senior Environmental
11 Scientist with the Marine Invasive Species Program within
12 the Commission's Marine Environmental Protection Division.

13 I'm here today to present for your approval a
14 report for the California Legislature assessing the
15 efficacy, availability, and environmental impacts of
16 ballast water treatment technologies for use in California
17 waters.

18 --o0o--

19 SENIOR ENVIRONMENTAL SCIENTIST THOMPSON: This
20 report is mandated as part of the Marine Invasive Species
21 Program's Nonindigenous Species Prevention Program.
22 Nonindigenous species are organisms that are transported
23 by humans to regions where they have not historically
24 occurred.

25 Once established, nonindigenous species can cause

1 serious impacts to the economy, to human health, and to
2 the environment where they have been introduced.

3 --o0o--

4 SENIOR ENVIRONMENTAL SCIENTIST THOMPSON: In
5 2006, the California Legislature established interim and
6 final standards for the allowable concentration of living
7 organisms in discharged ballast water. The interim
8 California performance standards are scheduled to be
9 implemented on January 1, 2020. Prior to implementing the
10 performance standards, the Commission is required to
11 submit a report to the legislature assessing the
12 availability of technologies to enable vessels to meet
13 California's performance standards. This report satisfies
14 this requirement.

15 --o0o--

16 SENIOR ENVIRONMENTAL SCIENTIST THOMPSON: Staff
17 found that there are no ballast water treatment
18 technologies available for vessels to meet the interim
19 California performance standards. Staff reviewed data on
20 15 shipboard treatment systems, and no system demonstrated
21 the capability to meet all the interim California
22 performance standards.

23 Staff also reviewed the combined approach of
24 ballast water exchange plus ballast water treatment, which
25 is being implemented in the Great Lakes and Oregon. At

1 this time, exchange plus treatment cannot be considered
2 available due to insufficient data on its capability from
3 meeting the interim California performance standards.

4 Finally, shore-based ballast water reception and
5 treatment facilities that are specifically designed to
6 receive ballast water, and remove or kill nonindigenous
7 species in that ballast water are currently not available
8 in California or anywhere else in the U.S.

9 The Commission funded a study to assess the
10 feasibility of shore-based treatment to enable vessels to
11 meet California performance standards. Staff presented
12 the final study to the Commission in June as an
13 informational item.

14 While shored-base facilities have the potential
15 to meet California's performance standards, the report
16 estimated that it will take nine years to implement
17 statewide. Therefore, this option is not feasible at this
18 time.

19 Additionally, assessing treatment technology
20 capabilities continues to be challenging, because there
21 are no suitable methods to analyze ballast water samples
22 to levels equal to three of the interim California
23 performance standards.

24 --o0o--

25 SENIOR ENVIRONMENTAL SCIENTIST THOMPSON: Staff

1 authorized to sample ballast water to assess compliance
2 with the Marine Invasive Species Act, and not for research
3 purposes. This gap in authority limits the ability of the
4 Commission to collect valuable information about shipboard
5 ballast water treatment system performance.

6 --o0o--

7 SENIOR ENVIRONMENTAL SCIENTIST THOMPSON:

8 Recommendations four, five, and six work together
9 and would require the Commission to produce a new report
10 to the Legislature by July 1, 2025. This report will
11 reevaluate California's performance standards. The report
12 to the Legislature would include recommendations for
13 achievable and measurable ballast water discharge
14 standards; a recommendation on whether to continue to
15 require ballast water exchange plus treatment; and a
16 recommendation on whether to require vessels to use
17 shore-based ballast water reception and treatment
18 facilities.

19 With the support of the Commission, the staff
20 also intends to conduct two projects that will study the
21 effectiveness of shore-based ballast water reception and
22 treatment, and ballast water exchange plus treatment.

23 Uh-oh. Can you guys move the slide forward?

24 --o0o--

25 SENIOR ENVIRONMENTAL SCIENTIST THOMPSON: Oh,

1 there it goes.

2 Staff requests that the Commission approve the
3 report to the Legislature titled, "2018 Assessment of the
4 Efficacy, Availability, and Environmental Impacts of
5 Ballast Water Treatment Technologies For Use in
6 California"; authorize staff to make non-substantive
7 modifications to the report as are necessary to correct
8 typographical errors, or clarify information presented
9 prior to submission to the Legislature; and finally,
10 direct staff to submit the report substantially in the
11 form Attached as Exhibit A to the legislature in
12 compliance with statute.

13 --o0o--

14 SENIOR ENVIRONMENTAL SCIENTIST THOMPSON: Thank
15 you much -- thank you very much for your time, and I'll be
16 happy to answer any questions you have about the report.

17 CHAIRPERSON YEE: Thank you very -- thank you
18 very much.

19 MARINE ENVIRONMENTAL PROTECTION DIVISION

20 ASSISTANT CHIEF DOBROSKI: And I just have one follow on
21 regarding recent federal legislation. My name is Nicole
22 Dobroski. And I'm -- oops. I'm an Assistant Chief of the
23 Marine Environmental Protection Division and also Manager
24 of the Commission's Marine Invasive Species Program.

25 As you might know, Congress recently passed the

1 Vessel Incidental Discharge Act, often known as VIDA or
2 VIDA. As part of S-140, the Frank LoBiondo Coast Guard
3 Reauthorization Act of 2018. VIDA will preempt
4 California's authority to establish and implement
5 state-specific ballast water management requirements,
6 including ballast water discharge performance standards.

7 If signed by the President, VIDA could take four
8 years to preempt State law, because the U.S. Environmental
9 Protection Agency, and the United States Coast Guard, must
10 first adopt regulations to implement.

11 During that time, states retain authority to
12 continue existing management programs. VIDA will have
13 implications for how the California Legislature wishes to
14 proceed with the recommendations and the ballast water
15 treatment technology assessment report presented to you
16 today. Staff is working closely with congressional staff,
17 the Governor's office, and the Attorney General's office
18 to closely review the bill language and determine next
19 steps.

20 We will keep the Commission informed of any new
21 developments. And I'd be happy to answer any questions
22 you might have about the legislation.

23 CHAIRPERSON YEE: Thank you very much, and thank
24 you for continuing to take a proactive watch on that
25 legislation. Thank you.

1 I just have one question. Of the
2 recommendations, Jonathan, that you outlined, are we going
3 to be sponsoring legislation to try to seek some of that
4 authority, particularly on...

5 EXECUTIVE OFFICER LUCCHESI: So we're still
6 determining that in terms of looking at authors and that
7 sort of thing. In the past, changes have been -- to the
8 Marine Invasive Species Act have been effectuated through
9 committee bills. However, we're still in the process of
10 kind -- of essentially assessing what the best avenue to
11 go forward is. We still have a little bit of outreach to
12 do.

13 And any sponsorship position or support position
14 by the Commission will have to come back to the Commission
15 for that position. So we'll still need to seek out your
16 authorization to participate in that way.

17 CHAIRPERSON YEE: Okay. Sounds good. Thank you.

18 Comments, members -- Commissioners?

19 Okay. Seeing none.

20 Is there a motion?

21 ACTING COMMISSIONER WONG-HERNANDEZ: Move
22 approval.

23 CHAIRPERSON YEE: Okay. We have a motion
24 Commissioner Wong-Hernandez --

25 EXECUTIVE OFFICER LUCCHESI: You do have one

1 public comment. Thank you.

2 CHAIRPERSON YEE: Oh, I'm sorry. Yes. Thank
3 you.

4 I'm sorry. Sienna -- is Sienna Courter in the
5 audience?

6 Thank you. I apologize.

7 MS. COURTER: No problem.

8 Hello. I'm Sienna Courter, representing San
9 Francisco Baykeeper. Thank you very much for the
10 opportunity to provide these comments. San Francisco
11 Baykeeper's mission is to protect San Francisco Bay from
12 the biggest threats, and hold polluters accountable.

13 Marine invasive species are one of our major
14 threats that we deal with in San Francisco Bay. The high
15 level of shipping in the bay, as well as the confines and
16 local conditions make it a really great place for invasive
17 species to move in and call it home.

18 So we have a bunch of very ferocious carnivorous
19 snails and crabs that poke holes in our levees, as a
20 result. But there's been a lot of negative impacts to our
21 economy, ecosystem, and overall health of the bay.

22 So on that note, we were really excited to engage
23 on this topic. I'd like to commend State Lands Commission
24 staff for engaging us, along with other stakeholders and
25 the opportunity to provide feedback on this report.

1 So overall, we would like to voice our support
2 for requiring exchange and treatment. As it was mentioned
3 previously, the research looks good as far as that being
4 an effective way to prevent marine invasive species
5 introduction overall.

6 We would encourage the Commission, as we consider
7 modifying the current implementation standards to keep in
8 mind that California's standards were specified to be
9 stricter than the federal standards for a reason, because
10 they needed to be more protective for California's waters
11 than the federal standards were.

12 So as we consider modifying the implementation
13 schedule and adopting those federal standards, just
14 encouraging the Commission to continue to work towards
15 attaining those original California standards.

16 We'd also like to support the proposition in the
17 recommendation sections of this report for a pilot program
18 that could continue to assess the efficacy of different
19 treatment technologies especially barge-based treatment
20 here in the State of California.

21 So on that note, thank you very much for the
22 opportunity to provide these comments.

23 CHAIRPERSON YEE: Thank you.

24 Any other member of the public wish to speak on
25 this item?

1 Okay. Hearing none.

2 Is there a motion?

3 ACTING COMMISSIONER WONG-HERNANDEZ: Move
4 approval.

5 CHAIRPERSON YEE: Okay. Motion by Commissioner
6 Wong-Hernandez to approve the report.

7 ACTING COMMISSIONER VIOLA: Second.

8 CHAIRPERSON YEE: Second by Commissioner Viola.

9 Without objection, such will be the order. Thank
10 you very much.

11 Okay. I believe now, we're returning to Item 54,
12 is that correct?

13 EXECUTIVE OFFICER LUCCHESI: That's correct.
14 Yes.

15 CHAIRPERSON YEE: Okay. Very Well.

16 EXECUTIVE OFFICER LUCCHESI: And I'll be giving
17 staff's presentation today.

18 CHAIRPERSON YEE: Okay. Great.

19 EXECUTIVE OFFICER LUCCHESI: And I do have a
20 presentation -- PowerPoint to give some context.

21 CHAIRPERSON YEE: Okay.

22 (Thereupon an overhead presentation was
23 Presented as follows.)

24 EXECUTIVE OFFICER LUCCHESI: So Item 54 is
25 proposed 49-year lease with the County of Santa Barbara

1 for the operation, maintenance, and repair --

2 --o0o--

3 EXECUTIVE OFFICER LUCCHESI: -- of rock revetment
4 shoreline protective structure located just west of Sand
5 Point Road on tidelands adjacent to the Pacific Ocean near
6 Carpinteria.

7 So what you see on the slide right there is
8 Carpinteria to the south, the Carpinteria Salt Marsh to
9 your left, and the row of about 24 houses, and then the
10 Pacific Ocean, just to orient you.

11 --o0o--

12 EXECUTIVE OFFICER LUCCHESI: In 2006, the
13 Commission was contacted to identify and determine our
14 jurisdictional interest in the lands underlying the
15 existing rock revetment. And based on our internal review
16 of the records and our -- and our bound -- and our
17 assessment of the boundary, we -- the Commission asserted
18 jurisdiction underlying the rock revetment in 2007.

19 The existing rock revetment was originally
20 constructed by the county of Santa Barbara in 1964. At
21 the time of the construction, the county board of
22 supervisors established the Sandyland Seawall Maintenance
23 District Number 1 pursuant to the provisions of the
24 Streets and Highways Codes of the State of California.

25 The district administers the expenses for --

1 excuse me. The district is administered by the county
2 with expenses for maintaining the rock revetment paid by
3 the upland property owners through assessments. The rock
4 revetment was repaired and expanded seaward in 1983, and
5 it was further repaired in 1994 and 1998.

6 It should be noted that the expansion and repair
7 in 1983 was, I believe, conducted under an emergency
8 coastal development permit issued by the Coastal
9 Commission, but has not sent -- it since that time has not
10 gone back to the Coastal Commission for a permanent
11 coastal development permit.

12 --o0o--

13 EXECUTIVE OFFICER LUCCHESI: Just -- the rest of
14 the slides are just going to be different pictures of the
15 rock revetment and the beach.

16 The location and extent of the State's fee-owned
17 sovereign lands are generally defined by reference to the
18 ordinary high water mark of tide and submerged lands as
19 measured by the mean high tide line. The boundary remains
20 ambulatory, except for there has been fill or artificial
21 accretion, or the boundary has been fixed by agreement or
22 court decision.

23 The Commission and the upland property owners
24 have conflicting claims as to the ownership of the real
25 property located under portions of the rock revetment.

1 The upland property owners contend that the legal boundary
2 between the privately owned upland property and sovereign
3 state tidelands is seaward of the proposed leased
4 premises.

5 The Commission -- excuse me, is -- yeah, seaward
6 of the lease premises. However, Commission staff contends
7 that the legal boundary is generally along the mean high
8 tide line surveyed in 1964 in certain areas, and the 1983
9 mean high tide line in other areas.

10 The Commission staff and upland property owners
11 vigorously deny each other's contentions of the unique
12 facts and law applicable to this particular section of the
13 coastline in Santa Barbara County. And under the threat
14 of litigation concerning this ownership, Commission staff
15 and upland owners have been involved in extended and
16 lengthy discussions over many years, including mediation
17 in 2016.

18 It's well established that the presence of a rock
19 revetment, or any other protective structure may represent
20 an impediment to public access, and enjoyment of the
21 adjacent tidelands. However, the lease before you today
22 expressly requires that the lessee shall support and
23 facilitate public access, and not prohibit, interfere, or
24 otherwise restrict the public's access, use, and enjoyment
25 of any areas of the state-owned lands within or adjacent

1 to the lease premises.

2 --o0o--

3 EXECUTIVE OFFICER LUCCHESI: The proposed lease
4 also requires the county to maintain the revetment in good
5 order and repair, and indemnify the State for liability.
6 While staff recommends -- rarely recommends such a
7 long-term lease term, the public benefit, in our opinion,
8 associated with this proposed lease includes the
9 preservation of the State's current or future ownership
10 and boundary claims, and is in avoidance of potentially
11 costly protracted litigation with uncertain results over
12 the boundary and title conditions -- contentions between
13 the upland property owner and the Commission.

14 And we acknowledge that sea level rise, coastal
15 processes, and the existing rock revetment will likely
16 contribute to the reduction in beach width and potentially
17 impact access along the coastline here. However, and I
18 know that this is -- this is a real struggle. But the
19 issue associated with the uncertainty associated with a
20 quiet title litigation here from staff's perspective
21 weighed heavily in trying to achieve a negotiated lease
22 that had such a long term -- term -- long-term term.

23 And so we are recommending a proposed lease as a
24 settlement mechanism to preserve the State's current and
25 future ownership and boundary claims. And that's

1 important on a number of different levels, both in terms
2 of how it may define other regulatory agencies'
3 jurisdiction, as well as being able to adapt to changing
4 conditions and circumstances along our coast.

5 And, you know, the overall goal here is to avoid
6 litigation that has very unclear and unreliable results
7 for this unique section of California's coast.

8 So for the reasons stated in the staff report and
9 in this presentation, staff believes that the issuance of
10 this lease will, on balance, not interfere with Public
11 Trust needs at this location at this time in the
12 foreseeable term of the lease, and is in the best
13 interests of the State, primarily because of -- it avoids
14 litigation over the boundary and the ownership issues.

15 And with that, that concludes my presentation.
16 So thank you.

17 CHAIRPERSON YEE: Thank you, Jennifer, very much.
18 Comments, Commissioners?

19 Let me just start -- and I appreciate the
20 considerations with respect to the term that is in the
21 staff report. I guess I'm still -- this is not typical, I
22 take it, in terms of the term that we're talking about
23 here, the 49 years. And it may be that the Public Trust
24 needs may not change a great deal over that period of
25 time. But I've got to think that issues around sea level

1 rise and climate change are going to present some issues.

2 And so for that reason, I'm just having a hard
3 time putting my arms around kind of the term of the -- the
4 terms that you've set forth. So can you just speak to
5 that, maybe on -- not the Public Trust said, but typically
6 what the terms have been for.

7 EXECUTIVE OFFICER LUCCHESI: Looking at different
8 leases that the Commission has authorized over, you know,
9 the past couple years to five or six years, on balance, we
10 typically issue leases with a ten-year term for protective
11 structures. So, one example, I can cite to is the
12 recent -- well, I guess it was a couple years ago now, but
13 the Broad Beach project. And again, that had some
14 similarities, but some significant differences as well.

15 And I'm hesitant to get into a lot of the details
16 associated with kind of the strengths and weaknesses of
17 the evidence on both sides. However, with that said, the
18 Broad Beach lease was for a ten-year term, and -- but it
19 did involve specific construction associated with that.

20 In other situations, we have also entered into
21 where litigation has actually been filed. We have had
22 different ways of approaching a settlement that is -- you
23 know, has some similarities to this situation at hand, but
24 there are some unique nuances.

25 So, for example, our most recent settlement

1 involved a rock revetment at Seacliff Beach in Ventura
2 County. The nuance in that situation was Caltrans
3 actually built the revetment on behalf of the property
4 owners. And so we -- the Commission authorized a
5 settlement whereby we entered into a lease with Caltrans
6 for the operation, and maintenance, and repair of that
7 rock revetment. But on balance, our typical terms for
8 rock revetments and other shoreline protective structures
9 is about ten years.

10 CHAIRPERSON YEE: All right. In this case, we've
11 had the county involved for quite some time, so --

12 EXECUTIVE OFFICER LUCCHESI: That's correct.

13 CHAIRPERSON YEE: Right. Okay. All right.
14 Other comments, Commissioners?

15 Yeah, I'm -- I'm troubled by this. I mean, I
16 think -- and again, not contrasting, but certainly we've
17 had an arrangement here where the county is conducting
18 work. We have had a district that was formed to assess
19 the property owners. I mean, I think there's more known,
20 I guess, here, and so -- in terms of our relationship with
21 the county. And just the period of time that is being
22 proposed here, I actually think this makes for an easy
23 case for a ten-year lease. And maybe I'm overthinking it
24 or not thinking about it thoroughly, but it just seems to
25 me there's more pieces in place than some of the other

1 situations that we've seen.

2 So I'm inclined to reduce the term, but I'm
3 curious about what others think.

4 Commissioner Wong-Hernandez.

5 ACTING COMMISSIONER WONG-HERNANDEZ: I would be
6 supportive of that as well. I'm -- I have some uneasiness
7 too, but I can't quite put my finger on it in the same
8 way. I don't want to set -- I don't want to set precedent
9 that we don't even realize we're setting for other areas
10 potentially of the State.

11 CHAIRPERSON YEE: Yeah.

12 ACTING COMMISSIONER WONG-HERNANDEZ: And so as a
13 compromise point, I think that a ten-year lease would be
14 good.

15 EXECUTIVE OFFICER LUCCHESI: We do have three
16 speaker slips.

17 CHAIRPERSON YEE: Yes.

18 EXECUTIVE OFFICER LUCCHESI: So it may be
19 informative to hear from those speakers.

20 CHAIRPERSON YEE: Sure.

21 EXECUTIVE OFFICER LUCCHESI: And then I also
22 wanted to offer that the county does have a representative
23 here, if you had any specific questions of the county.

24 CHAIRPERSON YEE: Okay. Good. That would be
25 great. Thank you.

1 We do have -- let's see, let me ask Mr. Chytilo
2 to come forward. Mark Chytilo, and then we've got
3 followed by Matt O'Malley and Mandy Sackett.

4 MR. CHYTILO: Good afternoon, Madam Chair. I'm
5 Mark Chytilo. And I do have a PowerPoint with just a few
6 slides to give a little bit of orientation.

7 (Thereupon an overhead presentation was
8 presented as follows.)

9 MR. CHYTILO: I represent one of the lot owners
10 out at Sandyland. I represent one of the lot owners out
11 at Sandyland, who has concerns over the natural resources
12 and the character of the area. So I wanted to just show
13 you a few slides.

14 --o0o--

15 MR. CHYTILO: I was looking for the mouse, but
16 it's a little hard to point. But here is that overview
17 slide similar to what you saw from staff. And the
18 important point to make here is the location and the -- I
19 don't know if there's anyway to show along the -- the
20 homes are along these 25 lots right there. This is the
21 outlet to the slough itself.

22 This area is the slough. Carpinteria salt marsh
23 is an extremely valuable ecological area with its
24 wetlands, endangered plants. And it's also an extremely
25 vulnerable area. There are four streams that -- fresh

1 water streams that flow into the slough itself. And the
2 whole watershed for all of this area was severely burned
3 during the Thomas Fire. So much so that FEMA recalculated
4 the base elevation for this zone by raising it five feet
5 since -- after the Thomas Fire.

6 And, of course, on the other side from where
7 these homes are, there are the threats associated with the
8 ocean.

9 --o0o--

10 MR. CHYTILO: And so we feel like this is a
11 pretty significant matter that we appreciate the
12 Commission's concern for these issues. This is a little
13 difficult to see, but this is the length of the seawalls.

14 But I wanted to highlight the Coastal
15 Commission's violation letter, which really is one of our
16 main concerns here --

17 --o0o--

18 MR. CHYTILO: -- that as the State Lands
19 Commission considers this lease, that the terms of the
20 lease be such that they don't compromise the ability of
21 the Coastal Commission to follow up from its 2015
22 enforcement action, and I think shortening the term is one
23 way to look at that.

24 --o0o--

25 MR. CHYTILO: There's a photo that I just wanted

1 to show the -- on the lower right-hand side there. You
2 can see there's actually two sets of seawalls here. This
3 is looking towards the west. The slide to the left is
4 looking to the east towards the mouth, where the two walls
5 come together.

6 And what we've been able to see from site visits
7 here is that there is different -- the age of the
8 different materials that have been provided clear --
9 complete -- provide clear evidence as to when -- what is
10 permitted and what was not permitted.

11 --o0o--

12 MR. CHYTILO: And we think that again just the
13 concern that as you look at the lease, that you ensure
14 that the Coastal Commission's permitting and enforcement
15 jurisdiction is given full deference and allowed to
16 proceed. And that may well affect the nature of the
17 activities within the lease itself, so that there's an
18 opportunity within the lease to revise its terms in order
19 to accommodate those changing circumstances.

20 And with that, I'll conclude. Thank you Madam
21 Chair.

22 CHAIRPERSON YEE: Thank you, Mr. Chytilo.

23 Jennifer, can I just ask you to comment on that
24 with respect to kind of the relationship to the Coastal
25 Commission?

1 EXECUTIVE OFFICER LUCCHESI: Yes, of course.

2 To Mr. Chytilo's specific comment about ensuring
3 that the lease does account for the Coastal Commission's
4 jurisdiction, there are a number of different terms in the
5 lease that address that concern. One is that it is
6 expressly conditioned on approving or obtaining all
7 regulatory approvals for activities within the lease
8 premises, and specifically calls out the Coastal
9 Commission's jurisdiction in this area.

10 And then in the event that whether it's through
11 the county and their repair and operation plans, and
12 maintenance plans, or through the Coastal Commission's
13 actions and conditioning any after-the-fact permit, the
14 lease includes terms that would require the county to come
15 back to the Commission to amend the lease to account for
16 those changes in circumstances.

17 So the lease is very specific that it authorizes
18 repair, operation and maintenance. Any significant
19 construction, expansion or modification of the protective
20 structure would need a further amendment by the
21 Commission.

22 CHAIRPERSON YEE: Great. Thank you very much.
23 Let me have our next speakers come forward. Mandy.

24 MS. SACKETT: Matt had ceded time --

25 CHAIRPERSON YEE: Okay.

1 --o0o--

2 MS. SACKETT: Here, it says, "Armoring structures
3 along the coast, while intended to safeguard upland
4 properties offer only temporary protection, eventually
5 accelerating long-term erosion, and leaving homes and
6 property at risk.

7 Further, the revetment also has the potential to
8 exacerbate the impacts of sea level rise and increase
9 storm and wave activity on State sovereign land.

10 --o0o--

11 MS. SACKETT: The beach width will be reduced due
12 to the inability of the beach to naturally migrate
13 landward, as a result of hard -- the hard armoring
14 structure.

15 --o0o--

16 MS. SACKETT: Beach loss is anticipated to
17 increase over the term of the lease, because of the
18 combined factors of climate change impacts, natural
19 dynamic coastal processes, and the presence of the rock
20 revetment.

21 --o0o--

22 MS. SACKETT: And finally, they also note that
23 the projected conditions, as a result of sea level rise,
24 increase the likelihood of future damage to the rock
25 revetment, thus requiring more frequent maintenance and

1 past and current actions when deciding whether or not to
2 approve this lease.

3 Indeed, your staff notes that the Coastal
4 Commission has indicated that portions of the existing
5 rock revetment are not currently permitted, which only
6 confirms the county's historical failures in this regard.

7 --o0o--

8 MS. SACKETT: SO we know the public -- what the
9 public stands to lose, another beach in a time when the
10 State should be doing everything possible to preserve
11 every inch of coast.

12 --o0o--

13 MS. SACKETT: And just to wrap-up up, the public
14 benefit described in the report claims that the
15 preservation of the State's current or future ownership
16 and boundary claims, which is no small thing, but in the
17 face of rising seas, eroding beaches, increasing inland
18 temperatures, and a growing California population, the
19 State Lands Commission, as guardians of the Public Trust,
20 must not be afraid to fight for what belongs to the
21 public. We reject the idea that this charge should fall
22 only on the backs of the Coastal Commission.

23 And finally and again, we respect the hard work
24 of staff, and often find ourselves aligned with them. And
25 we do agree with staff's conclusion that the sea level

1 rise, coastal processes, and the existing rock revetment
2 will continue to -- will contribute to the reduction in
3 the beach width and potentially impact public access.

4 But because of that very conclusion, we must
5 oppose the recommendation. We ask you instead to either
6 deny this lease, or at the very least reduce the terms to
7 no more than two years, which will allow the county to
8 apply for a permit from Coastal Commission, give
9 greater -- give the public a greater chance for input, and
10 will allow the State Lands Commission an opportunity to
11 reassess how well the process is working in the near
12 future, without the risk of permanently sacrificing public
13 beach access here for decades to come.

14 Thank you.

15 CHAIRPERSON YEE: Thank you very much, Mandy.

16 Other comments?

17 There's a representative from the County who is
18 here. Come forward.

19 MR. JONES: Good afternoon, Commissioner Yee.

20 CHAIRPERSON YEE: Good afternoon.

21 MR. JONES: Commissioners, my name is Morgan
22 Jones. I'm the senior engineering environmental planner
23 for Santa Barbara County.

24 Essentially this is my project. I'm happy to
25 answer any questions that you have.

1 Please.

2 CHAIRPERSON YEE: Okay. Just wanted to have you
3 identify yourself, in case we had questions.

4 Okay. Well, I'd like to -- I'd like to see the
5 term of the lease reduced. I think the -- just what we
6 know of what to expect with respect to affects of sea
7 level rise and climate change at the very least. But I
8 also think the terms and conditions of the lease allow us
9 to, one, continue to respect the Coastal Commission
10 jurisdiction; and then, two, any -- any issues that arise
11 that would require us to take another look at the lease
12 would -- that would come back to us.

13 But I don't see a compelling case for treating
14 this particular revetment differently from what we've had
15 come before us. Obviously, the circumstances are unique
16 to -- to this area, and to this particular set of property
17 owners.

18 But I think the same issues, in terms of this
19 Commission's interest still applies with respect to some
20 of the other projects that we've seen come before us. So
21 with that, I'd like to move that we approve the lease, but
22 reduce the term from 49 year to ten years.

23 Is there a second?

24 ACTING COMMISSIONER VIOLA: Second. Second.

25 CHAIRPERSON YEE: Okay. Second by Commission

1 Viola.

2 Comments?

3 Discussion?

4 No.

5 Okay. Hearing none. Without objection, that
6 motion carries.

7 Thank you.

8 I believe, Jennifer, that takes us through the
9 agendized items, yes?

10 EXECUTIVE OFFICER LUCCHESI: Yes. Now, we are
11 concluded with the agenda. We move to --

12 CHAIRPERSON YEE: Into public comment.

13 EXECUTIVE OFFICER LUCCHESI: -- agendized items.
14 We now move into public comment, and we have a number of
15 speakers --

16 CHAIRPERSON YEE: Yes, we do.

17 EXECUTIVE OFFICER LUCCHESI: -- for public
18 comment.

19 CHAIRPERSON YEE: Let me go ahead and call the
20 speakers up, and -- Mark Chytilo again, John
21 Heatherington, and Pam Heatherington to follow.

22 MR. CHYTILO: Good afternoon again, Chairman Yee
23 or Chairperson Yee, members of the Commission. I'm Mark
24 Chytilo.

25 I'm here in a different capacity speaking on

1 behalf of the Gaviota Coast Conservancy. And I did
2 present a short PowerPoint --

3 (Thereupon an overhead presentation was
4 presented as follows.)

5 MR. CHYTILO: -- that I'd like to use to give you
6 an introduction to the Gaviota coast, and some of the key
7 issues that we currently have going, and one issue that's
8 currently active with staff, one of several.

9 The Gaviota Coast Conservancy' mission is to
10 preserve the rural character of the Gaviota Coast. This
11 is an extraordinary section of Southern California's coast
12 that for by miracle, luck, or happenstance has not yet
13 been developed. And it's principally an agricultural
14 area, but it has tremendous natural resource, cultural,
15 biological, and visual features.

16 --o0o--

17 MR. CHYTILO: So I'm going to start with a big
18 scale map and move more quickly down. This is a map
19 showing all the way from Los Angeles in the lower
20 right-hand corner up to Vandenberg Air Force Base, the
21 pink area.

22 --o0o--

23 MR. CHYTILO: As we get closer, it looks like we
24 move a little bit off that, we can see this is the Highway
25 101 section with UCSB and Goleta all the way on the margin

1 on the right. And then it goes around to where Highway
2 101 turns up and in at Gaviota State Park and the
3 beginning of Hollister Ranch.

4 --o0o--

5 MR. CHYTILO: Moving further towards Goleta and
6 there's a series of ranches that have been a high priority
7 for us, as we seek to prevent this area from being
8 promo -- being developed for residential uses, and protect
9 it for open space and community functions.

10 --o0o--

11 MR. CHYTILO: One of the key parcels -- before I
12 get into that, actually I want to talk a little bit about
13 Platform Holly. You heard in the director's report, and
14 we had a town hall meeting last -- a couple of weeks ago
15 where staff came and was able to present to the community
16 what was going on with Platform Holly. And I just want to
17 offer, on behalf of the GCC and the Santa Barbara
18 community, our heart felt appreciations for the work of
19 the staff and the Commission, not only in proceeding with
20 Platform Holly's abandonment and decommissioning with the
21 immediate decommissioning of the two PRC 421 wells on the
22 beach, but also stepping up with the condemnation action
23 on the EOF, the Ellwood Onshore Facility, which otherwise
24 going to be an orphan. It was going to be a much bigger
25 problem later on.

1 And I just want to appreciate the step of the
2 Commission to take over that facility and to manage these
3 all, and move them forward for their ultimate use we hope
4 by the City of Goleta. It's currently zoned recreational,
5 the EOF facility. So we're very pleased to be able to
6 support you on that.

7 --o0o--

8 MR. CHYTILO: One minor issue, as the platform
9 abandonment is going ahead for the two PRC wells, right
10 here in this top slide, you can see there -- the two wells
11 themselves. We've been trying to get a coastal access
12 trail to connect from over here on the east side, from the
13 Ellwood Preserve - this is county-owned lands - to be able
14 to get across the Sandpiper Golf Course to get to the
15 Bacara, which is over on this side.

16 And so we've suggested to staff as a potential
17 mitigation measure for the closure of the beach associated
18 with the two well closure facilities there, that we work
19 with the Commission to try and secure an alternative
20 coastal access trail along the toe of the bluff to be able
21 to complete that coastal trail between Ellwood and UCSB
22 all the way out to the Bacara and to Gaviota further
23 west.

24 --o0o--

25 MR. CHYTILO: And then finally, a parcel of

1 particular interest to us right now is the one just to the
2 west of the Bacara. And it's the one that has the State
3 Lands Commission's pier on it. The Ellwood pier it's
4 known as. This pier has been critical for the development
5 of the oil industry, and -- off the Gaviota coast,
6 including Platform Holly. As we're seeing a number of
7 those facilities winding down and move towards
8 abandonment, we're hopeful that we might be able to look
9 at a strategy to have this property, which may be
10 available for acquisition and use for the public's open
11 space and recreational functions, be joined with an effort
12 by the Commission to gain access to the Commission's pier
13 and ultimately become a recreational facility.

14 --o0o--

15 MR. CHYTILO: It's one of the few piers on the
16 Gaviota coast, and it offers a substantial amount of
17 benefit to the public.

18 So in closing, we'd like to thank you very much
19 for your concern, your -- the work that the Commission has
20 been doing to address oil facilities, and a request to
21 support staff's efforts to move forward to try and
22 preserve some of the critical parcels on the Gaviota
23 coast.

24 Thank you very much.

25 CHAIRPERSON YEE: Thank you.

1 MS. HEATHERINGTON: Pam Heatherington. My
2 husband John Heatherington ceded some time. I don't think
3 I'll need it, but in case I do.

4 Good evening, Chair Yee and Commissioners. I am
5 Pam Heatherington from the Environmental Center of San
6 Diego. Our goal today is to introduce you to the De Anza
7 Cove at Mission Bay.

8 And hopefully, they'll bring that up.

9 (Thereupon an overhead presentation was
10 presented as follows.)

11 MS. HEATHERINGTON: This is a picture of De Anza
12 Point from I-5 coming south. De Anza Cove has a long and
13 disappointing history, much of which likely transpired
14 before you all were born.

15 --o0o--

16 MS. HEATHERINGTON: This is an 1857 map of what
17 is now Mission Bay. It was called False Bay back then,
18 because it was mudflats and wetlands, those things that
19 clear our -- clean our air and clean our water.

20 It's essential that you have a strong
21 understanding of the promise to the people and how
22 important it is that public access to the bay be restored
23 and protected.

24 --o0o--

25 MS. HEATHERINGTON: In 1945, the State Lands

1 Commission deeded the tidelands of Mission Bay to the City
2 of San Diego for the use and enjoyment of all citizens of
3 California. Almost immediately, the marsh was dredged to
4 create De Anza Point and a revenue stream for the City of
5 San Diego. It soon, however, morphed into a gated
6 residential community. And you can see that's -- oh, boy,
7 I'm really dangerous with these things. It's the boot
8 point there that has a gated community on it.

9 The destruction of the marsh and the increasing
10 private use of De Anza Cove, however, has always been
11 controversial. In 1980, this body, the State Lands
12 Commission, conducted a review and found that De Anza was
13 being used illegally, the result being the Kapiloff Bill
14 of 1982, AB 440, which allowed the residents to stay until
15 the lease ran out in 2003.

16 While most of the residents are gone now, the
17 litigation and controversy continue. The Mission Bay Park
18 Master Plan has conflicting ideas about what should be
19 done at De Anza Cove and what the uses should be. But the
20 public has already expressed a desire for more natural and
21 open space in Mission Bay, as outlined in the Mission Bay
22 Master Plan of 1992.

23 In 1955, across the street on city-owned land a
24 golf course was built. And within a decade, the corner of
25 Mission Bay was almost inaccessible from the surrounding

1 community as it remains to this present day.

2 --o0o--

3 MS. HEATHERINGTON: The area surrounding Mission
4 Bay, Pacific Beach area, is considered a park poor area.
5 This is the 2010 San Diego Foundation's report that shows
6 that it's not only park poor, but lower income.

7 --o0o--

8 MS. HEATHERINGTON: And those orange dots right
9 there that are kind of outlined to the left, where you see
10 the bay, are MS4 permits on Rose Creek. It's the only
11 creak that enters into -- fresh water creek that enters
12 into Mission Bay, and it is totally polluted. I can give
13 you reports that Coastkeeper has been keeping track of.

14 The city has numerous projects in this north area
15 of Mission Bay. None are looked at cumulatively, keeping
16 Rose Creek, the Balboa Avenue Station Project, and the De
17 Anza revitalization as separate projects, limiting any
18 ability to mitigate impacts on this site.

19 And believe me, the air pollution that the Balboa
20 transit area will be of -- could have been offset by
21 restoring wetlands in Mission Bay.

22 The City of San Diego will likely come forward
23 with a glitzy plan that seeks revenue over restoration,
24 eliminates wetland areas, further impacts water quality,
25 and snubs its nose at the park poor lower income residents

1 surrounding the De Anza Cove area.

2 --o0o--

3 MS. HEATHERINGTON: We believe the creation and
4 restoration of open space and natural habitat in the De
5 Anza Cove area will provide a buffer against sea level
6 rise, restore wetlands, improve water quality, and help
7 mitigate proposed development contiguous to this area. It
8 will also give back to the public a part of the bay that
9 has long been denied to them.

10 In closing, I invite you to visit the site to see
11 for yourself. If you come here to De Anza, you will see
12 how a neighborhood can be park poor, even though it is
13 right next to the largest park in San Diego.

14 Thank you for your thoughtful attention.

15 CHAIRPERSON YEE: Thank you, Ms. Heatherington.

16 And let me call up our next speakers.

17 Chiwah Slater, followed by Charles Langley, and
18 Nina Babiarz.

19 Is Chiwah Slater in the audience?

20 Charles Langley?

21 MR. LANGLEY: I am Charles Langley with Public
22 Watchdogs. And I wanted to address the issue of the
23 Environmental Impact Report that was done by the
24 California State Lands Commission on the San Onofre
25 Nuclear Generating Station. It's a truly excellent

1 report, but there are a couple of new developments at San
2 Onofre that I think merit further review by the people who
3 put that report together.

4 And one is that on July 22nd, there is what was
5 called a near miss event by the Nuclear Regulatory
6 Commission, or an unsecured load event, where Southern
7 California Edison nearly dropped a canister weighing
8 100,000 pounds full of nuclear waste at the facility.
9 This event, under federal law, CFR 75.25 -- or, excuse me,
10 CFR 75.75 requires that they report something like that
11 between one and 24 hours after the event. They still
12 haven't reported it. It's not on the NRC, Nuclear
13 Regulatory Commission, events page. They are clearly in
14 violation of federal law.

15 On August 3, they violated the law again. There
16 was a near miss event, where a canister nearly dropped 18
17 feet, and they didn't report it until August 9th.

18 The public was kept completely in the dark by
19 this. The Nuclear Regulatory Commission had been informed
20 informally, but there was no public record, and this is
21 deeply disturbing to us. The public has a right to know
22 when the public's life is endangered. Each one of these
23 cans contains more Cesium 137 than what was released
24 during the entire Chernobyl disaster. One can -- in a
25 criticality event in one can could destroy all of Southern

1 California and make it permanently uninhabitable for
2 thousands of years.

3 There are more than 70 of these cans that will be
4 put on the beach -- 109 feet away from the beach, two feet
5 above the salt water table. They are in thin-walled
6 casks. It's 5/8 of an inch thick stainless steel between
7 us and this Nuclear waste.

8 I think these factors consider -- or merit
9 consideration by the State Lands Commission.

10 Thank you.

11 CHAIRPERSON YEE: Thank you very much, Mr.
12 Langley.

13 Jennifer, do you have any comment on that?

14 EXECUTIVE OFFICER LUCCHESI: I'm happy to
15 comment. We are aware of the August 3rd incident. Off
16 the top of my head, I'm not sure if our team is aware of
17 the previous incident, but -- we are. I'm looking back at
18 them, and they're nodding, so -- and these are -- these
19 are issues that we have -- that have been part of comments
20 made, as part of the responses to -- responses to the
21 draft Environmental Impact Report. We are currently
22 reviewing those comments now.

23 And as I mentioned in my Executive Officer's
24 report, we will be bringing the -- we anticipate -- our
25 goal is to bring the EIR for certification and the

1 Commission's consideration of the lease for the
2 decommissioning activities for units 2 and 3 at the
3 February Commission meeting.

4 And we will be able to talk more fully about the
5 incident, and how that is or isn't addressed in the EIR,
6 but addressed in our staff report, and that sort of thing,
7 and answer questions.

8 But we appreciate the comments being made today,
9 and we are actively reviewing all of that information, so
10 that we can provide that to the Commission in
11 consideration of the application that we received next
12 year.

13 CHAIRPERSON YEE: Good. Great. Very well.
14 Thank you.

15 Nina Babiarz.

16 MS. BABIARZ: Actually, my first name is
17 pronounced Nina.

18 CHAIRPERSON YEE: Oh, Nina. Okay. Excuse me.

19 MS. BABIARZ: Nina Babiarz.

20 CHAIRPERSON YEE: Okay.

21 MS. BABIARZ: And first of all, I guess
22 congratulations are in order, Chair Yee.

23 CHAIRPERSON YEE: Thank you.

24 MS. BABIARZ: And I actually spoke before the
25 State Lands Commission about 18 months or so, the last

1 time I think you were in San Diego. So welcome back to
2 our finest city.

3 And I'm going to start my comments today where I
4 left off at the last visit of the State Lands Commission.
5 And at that conclusion of my comments, I made the
6 statement that history is watching. And implore the State
7 Lands Committee to -- Commission to consider that so far
8 all that's been determined at San Onofre has been done in
9 secret, behind closed doors, in private negotiations, and
10 has betrayed the public's trust.

11 Now, we originally thought -- I'm a board member
12 with Public Watchdogs, and represent thousands of our
13 supporters that are -- have this issue of San Onofre as a
14 priority. And we originally thought that the meeting was
15 going to be held December 11th, because that's what was
16 announced at every single public input hearing during the
17 public input period of the Environmental Impact Report.
18 So I'd very much like to compliment Eric Gillies with your
19 State Lands Commission for answering my inquiry about this
20 rescheduled meeting.

21 And, of course, we were questioning why SONGS --
22 so appreciate, Jennifer, you outlining the detail.
23 However, I do firmly believe that the public, and there
24 were hundreds of people that showed up and testified
25 specifically about the Environmental Impact Report, people

1 that went through every single one of those 780 pages, and
2 had specific concerns and comments who were not notified
3 properly, I don't believe, because we've been, no pun
4 intended, dogging this issue every step of the way. And
5 we had to really dig to find out when this meeting was
6 going to be held.

7 And so I'd like to reiterate a couple of things,
8 number one, that July 22nd incident that was unreported,
9 that Charles referred to was unreported to the Nuclear
10 Regulatory Commission. There was also an August 2nd event
11 that was not reported, so after the conclusion of the
12 public input period. And that was the asbestos discovery.
13 And, of course, I don't believe that that is in the
14 original input EIR, in addition to the August 3rd.

15 And so we believe that these three major
16 incidents, each one a threat to our community, was not
17 only intentionally withheld from the public after the
18 public input period, but I feel personally that it was
19 intentionally concealed from the public during the public
20 input period of that EIR. And that's just unacceptable.

21 Thanks so much for being here and allowing me the
22 opportunity to express my opinion. Appreciate it.

23 CHAIRPERSON YEE: Thank you very much, Ms.
24 Babiarz.

25 Any other member of the public wish to address

1 the Commission?

2 Okay. Jennifer, any other order of business?

3 EXECUTIVE OFFICER LUCCHESI: No.

4 CHAIRPERSON YEE: Okay. With that, we'll recess
5 our open session, and the Board -- the Commission will now
6 go into closed session.

7 EXECUTIVE OFFICER LUCCHESI: That's correct.

8 CHAIRPERSON YEE: So let me ask the members of
9 the public if they will vacate the room.

10 (Off record: 4:41 p.m.)

11 (Thereupon the meeting recessed
12 into closed session.)

13 (Thereupon the meeting reconvened
14 open session.)

15 (On record: 5:16 p.m.)

16 CHAIRPERSON YEE: Okay. Great. Thank you. We
17 are reconvened in open session. The Commission met in
18 closed session to discuss pending litigation.

19 Anything to report out?

20 EXECUTIVE OFFICER LUCCHESI: No.

21 CHAIRPERSON YEE: Nothing to report out?

22 Any other business to come before the Commission?

23 Seeing and hearing none, the Commission meeting
24 is adjourned.

25 Thank you.

(Thereupon the California State Lands
Commission meeting adjourned at 5:16 p.m.)

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1 C E R T I F I C A T E O F R E P O R T E R

2 I, JAMES F. PETERS, a Certified Shorthand
3 Reporter of the State of California, do hereby certify:

4 That I am a disinterested person herein; that the
5 foregoing California State Lands Commission meeting was
6 reported in shorthand by me, James F. Peters, a Certified
7 Shorthand Reporter of the State of California;

8 That the said Skype proceedings was taken before
9 me, in shorthand writing, and was thereafter transcribed
10 to the best of my ability with intermittent Skype
11 connection, under my direction, by computer-assisted
12 transcription.

13 I further certify that I am not of counsel or
14 attorney for any of the parties to said meeting nor in any
15 way interested in the outcome of said meeting.

16 IN WITNESS WHEREOF, I have hereunto set my hand
17 this 7th day of December, 2018.

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23 JAMES F. PETERS, CSR
24 Certified Shorthand Reporter
25 License No. 10063